

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:23-CV-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
)
This Document Relates to:)
ALL CASES)
_____)

VIDEOTAPED DEPOSITION OF
REMY J-C. HENNET, PH.D.,
a witness herein, called by the Plaintiffs for
examination, taken by and before Ann Medis, RPR, CLR,
CSR-WA, and Notary Public in and for the Commonwealth
of Pennsylvania, via Zoom Videoconference, at the
offices of Motley Rice, 401 9th Street, NW, Washington,
DC 20004, on Thursday, March 20, 2025, commencing at
9:05 a.m.

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 On behalf of Plaintiff</p> <p>3 MOTLEY RICE</p> <p>4 BY: KEVIN R. DEAN, ESQUIRE</p> <p>5 MARGARET SCALISE JOHNSON, ESQUIRE</p> <p>6 28 Bridgeside Boulevard</p> <p>7 Mount Pleasant, South Carolina 29464</p> <p>8 843.216.9000</p> <p>9 kdean@motleyrice.com</p> <p>10 mscalise@motleyrice.com</p> <p>11</p> <p>12 WEITZ & LUXENBERG, P.C.</p> <p>13 BY: LAURA J. BAUGHMAN, ESQUIRE</p> <p>14 DEVIN BOLTON, ESQUIRE</p> <p>15 700 Broadway</p> <p>16 New York, New York 10003</p> <p>17 212.558.5915</p> <p>18 lbaughman@weitzlux.com</p> <p>19 dbolton@weitzlux.com</p> <p>20</p> <p>21 On behalf of Defendant United States of America</p> <p>22 U.S. DEPARTMENT OF JUSTICE</p> <p>23 BY: ALLISON O'LEARY, ESQUIRE</p> <p>24 ALANNA HORAN, ESQUIRE</p> <p>25 1100 L Street NW</p> <p> Washington, DC 20005</p> <p> 202.552.9843</p> <p> allison.o'leary@usdoj.com</p> <p> allana.horan@usdoj.com</p> <p> Also present via Zoom</p> <p> Bradley Loy, videographer</p>	<p style="text-align: right;">Page 4</p> <p>1 * INDEX OF HENNET EXHIBITS (Continued) *</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 Exhibit 10 Letter, 2/25/25, from A. O'Leary 111</p> <p>4 to Lead Counsel for Plaintiffs, Re:</p> <p>5 Supplemental Expert Reliance</p> <p>6 Materials of Remy Hennet, Ph.D.</p> <p>7</p> <p>8 Exhibit 11 Handwritten notes of site visit 117</p> <p>9 of 2/11/25</p> <p>10 HENNET_USA_0000000034 and 0000000076</p> <p>11</p> <p>12 Exhibit 12 Thumb drive containing photos 124</p> <p>13 taken during site visits</p> <p>14 Exhibit 13 AH Environmental Consultants 172</p> <p>15 December 2004 report</p> <p>16</p> <p>17 Exhibit 14 Jennings Laboratory report, 187</p> <p>18 10/31/80</p> <p>19 CLJA_USMCGEN_0000006650 - 0000006655</p> <p>20</p> <p>21 Exhibit 15 Table C7 Summary of analysis of 196</p> <p>22 water samples taken at Hadnot</p> <p>23 Point</p> <p>24 CLJA_WATERMODELING_01-0000033723 - 33726</p> <p>25 Exhibit 16 JTC Environmental Consultants 196</p> <p> Report # 7, prepared 12/19/84</p> <p> CLJA_NAVLANT-0000563489 - 0000563498</p> <p>Exhibit 17 JTC Environmental Consultants 197</p> <p> Report # 17, prepared 2/6/85</p> <p> CLJA_WATERMODELING_09-0000423217 - 423254</p> <p>Exhibit 18 Chronology of well sampling data 200</p> <p> CLJA_WATERMODELING_09-0000424933 - 494944</p> <p>Exhibit 19 USMC memo, 4/1989, subject: Water 207</p> <p> Monitoring Related to the</p> <p> Installation Restoration Program</p> <p> CLJA_WATERMODELING_09-0000425332 - 425337</p> <p>Exhibit 20 2/27/85 meeting notes 216</p> <p> CLJA_WATERMODELING_09-0000427825 - 427827</p>
<p style="text-align: right;">Page 3</p> <p>1 * I N D E X *</p> <p>2 REMY J.-C. HENNET, PH.D. PAGE</p> <p>3 EXAMINATION BY MR. DEAN 7</p> <p>4 Page 94 Line 6 - Page 99 Line bound separately</p> <p>5</p> <p>6 * INDEX OF HENNET EXHIBITS *</p> <p>7 NO. DESCRIPTION PAGE</p> <p>8 Exhibit 1 Plaintiffs' Amended Notice of 9</p> <p>9 30(b)(1) Individual Deposition</p> <p>10 Notice</p> <p>11 Exhibit 2 Defendant United States of 12</p> <p>12 America's Responses and</p> <p>13 Objections to Notices of</p> <p>14 Deposition and Requests for</p> <p>15 Production of Documents to Alex</p> <p>16 Spiliotopoulos, Ph.D. and Remy</p> <p>17 Hennet, Ph.D.</p> <p>18 Exhibit 3 Expert Report of Remy J.-C. 26</p> <p>19 Hennet</p> <p>20</p> <p>21 Exhibit 4 S.S. Papadopoulos & Associates 66</p> <p>22 invoices</p> <p>23 CLJA_SSPPA_INVOICES_0000000001 - 42</p> <p>24 and Invoice 27153</p> <p>25 Exhibit 5 USASpending.gov chart 80</p> <p>Exhibit 6 Excel spreadsheet of contract 91</p> <p> awards to S.S. Papadopoulos &</p> <p> Associates taken from</p> <p> Hennet Exhibit 4</p> <p>Exhibit 7 (Withdrawn)</p> <p>Exhibit 8 Metadata from the billing 104</p> <p> production by S.S. Papadopoulos &</p> <p> Associates</p> <p>Exhibit 9 USDOJ publication Expert 105</p> <p> Witnesses, 2010</p>	<p style="text-align: right;">Page 5</p> <p>1 * INDEX OF HENNET EXHIBITS (Continued) *</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 Exhibit 21 Operational Monthly Report 223</p> <p>4 between 11/28/84 and 1/6/85</p> <p>5 CLJA_WATERMODELING_07-0000019001 - 19004</p> <p>6 Exhibit 22 Operational history for 239</p> <p>7 well HP-622</p> <p>8 CLJA_WATERMODELING_05-0000826091 - 826118</p> <p>9 Exhibit 23 Operational history for 246</p> <p>10 well HP-651</p> <p>11 CLJA_WATERMODELING_05-0000826112</p> <p>12 Exhibit 24 Exhibit I-9, Frequency of Use of 249</p> <p>13 Supply Wells, 11/28/84 to 2/85,</p> <p>14 page 4-18 from Dr. Henne's report</p> <p>15 Exhibit 25 Email chain, 7/15/11, from A. 250</p> <p>16 Short to K. Pritchard, subject: Re:</p> <p>17 HP & HB Well Pumps; Jan-Jun 1980</p> <p>18 CLJA_USMC_CAGE_0000350325 - 350345</p> <p>19</p> <p>20 Exhibit 26 Well pumping data 1978 - 1983 251</p> <p>21 CLJA_USMC_CAGE_0000067935 - 68188</p> <p>22 Exhibit 27 Exhibit 3-1, Conceptual 272</p> <p>23 Illustration for PCE Transport</p> <p>24 Between ABC Cleaners and Well TT-26</p> <p>25 Exhibit 28 USA v DICO, INC., et al., Order 278</p> <p> on Bench Trial</p> <p>Exhibit 29 Dr. Henne's 12/22/20 expert 281</p> <p> report In Re: Baby Washington case</p> <p> CLDEP0000002071 - 0000002127</p> <p> - - - -</p>

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 - - - -</p> <p>3 THE VIDEOGRAPHER: We are now other</p> <p>4 record. My name is Bradley Loy. I'm a</p> <p>5 videographer for Golkow. Today's date is</p> <p>6 March 20, 2025. The time 9:05. This deposition</p> <p>7 is being held at 401 9th Street, Northwest,</p> <p>8 Washington, D.C., taken in the matter of Camp</p> <p>9 LeJeune Water Litigation, for the United States</p> <p>10 District Court for the Eastern District of North</p> <p>11 Carolina, Southern Division. The deponent is Remy</p> <p>12 J.-C. Hennet.</p> <p>13 Will counsel please identify themselves.</p> <p>14 MR. DEAN: Good morning. This is Kevin</p> <p>15 Dean here on behalf of THE PLG.</p> <p>16 MS. O'LEARY: Allison O'Leary on behalf</p> <p>17 of the United States.</p> <p>18 MS. BAUGHMAN: Laura Baughman on behalf</p> <p>19 of plaintiffs.</p> <p>20 MS. BOLTON: Devin Bolton on behalf of</p> <p>21 the plaintiffs.</p> <p>22 MS. HORAN: Alanna Horan on behalf of</p> <p>23 the United States.</p> <p>24 MS. JOHNSON: Margaret Johnson on behalf</p> <p>25 of the plaintiffs.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I do not.</p> <p>2 Q. You're not under any medications or</p> <p>3 anything like that that would cause you not to be</p> <p>4 able to testify truthfully?</p> <p>5 A. I am not.</p> <p>6 Q. From your CV, I believe at least since</p> <p>7 2020 you've been deposed about three times; right?</p> <p>8 A. I would have to look at my CV.</p> <p>9 Q. We'll look at that in a minute. My</p> <p>10 point is there's a few typical ground rules for</p> <p>11 depositions. First of all, if you feel like you</p> <p>12 need to take a break at all during the deposition</p> <p>13 today, you tell me, and I'll be happy to stop and</p> <p>14 we'll take a break. I recognize the camera is</p> <p>15 rolling and a lot of people in the room, but we'll</p> <p>16 be as informal as we can. And if need to take a</p> <p>17 break, you just and I'll stop. Okay?</p> <p>18 A. I will.</p> <p>19 Q. If, however, we do take a break, if you</p> <p>20 would he refrain from talking with the lawyers</p> <p>21 with regard to your testimony today, I would</p> <p>22 appreciate that. Okay?</p> <p>23 A. Yes.</p> <p>24 Q. Now, sometimes I ask two questions in</p> <p>25 one. I'll be honest with you. It's called a</p>
<p style="text-align: right;">Page 7</p> <p>1 THE VIDEOGRAPHER: Will the court</p> <p>2 reporter please swear in the witness.</p> <p>3 REMY J.-C. HENNET, PH.D.,</p> <p>4 having been first duly sworn, was examined</p> <p>5 and testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. DEAN:</p> <p>8 Q. Good morning, Dr. Hennet.</p> <p>9 A. Good morning.</p> <p>10 Q. Did I pronounce your name correctly?</p> <p>11 A. Yes, you did.</p> <p>12 Q. I'm going to try to always refer to you</p> <p>13 as Dr. Hennet. But I've read so much about you in</p> <p>14 the last several months, it may very be I</p> <p>15 mistakenly refer to you as Remy, but I don't do so</p> <p>16 out of disrespect. Okay.</p> <p>17 A. You choose.</p> <p>18 Q. Thank you. You just swore under oath to</p> <p>19 tell the truth. Do you understand what that means</p> <p>20 today?</p> <p>21 A. Yes, I do.</p> <p>22 Q. And are you having any illnesses today</p> <p>23 or anything wrong with you that would prevent you</p> <p>24 from completely responding to all my questions and</p> <p>25 telling the truth?</p>	<p style="text-align: right;">Page 9</p> <p>1 compound question. Lawyers may even object. But</p> <p>2 what I want to make sure you do today is I ask a</p> <p>3 question that you understand and you feel like you</p> <p>4 can respond. And if I don't, you tell me you</p> <p>5 don't understand my question, and I'll rephrase it</p> <p>6 or re-ask it. Okay?</p> <p>7 A. I do understand.</p> <p>8 Q. Because I want to be able to rely today</p> <p>9 on your responses in the sense that you understood</p> <p>10 my question. Okay?</p> <p>11 A. I understand that.</p> <p>12 Q. So if you answer a question and you</p> <p>13 don't ask me to re-ask it or that you don't</p> <p>14 understand it, then I'm going to assume you</p> <p>15 understood my question. Fair?</p> <p>16 A. Fair.</p> <p>17 (Hennet Exhibit 1 was marked.)</p> <p>18 BY MR. DEAN:</p> <p>19 Q. Now I'm going to show you what I've</p> <p>20 marked as Deposition Exhibit No. 1 Dr. Hennet.</p> <p>21 It's called a deposition notice. And attached to</p> <p>22 it is a subpoena. At the back of the subpoena is</p> <p>23 a list documents that we asked that you and S.S.</p> <p>24 Papadopoulos & Associates produce to us.</p> <p>25 Do you see that list?</p>

3 (Pages 6 - 9)

<p style="text-align: right;">Page 10</p> <p>1 A. Yes, I do.</p> <p>2 Q. Now, my first question about that is:</p> <p>3 Did you bring anything today additional that that</p> <p>4 was responsive to that subpoena?</p> <p>5 A. No. I don't have anything.</p> <p>6 Q. Have you seen that list of items to</p> <p>7 bring to the deposition attached to the subpoena</p> <p>8 before today?</p> <p>9 A. I have.</p> <p>10 Q. Did you personally or anyone at your</p> <p>11 direction after seeing that subpoena undertake an</p> <p>12 effort to gather documents?</p> <p>13 A. To the extent that we could answer those</p> <p>14 questions, it was done. I asked, you know -- I</p> <p>15 reviewed my files to respond to the subpoena.</p> <p>16 Everything I did have, I just provided it to</p> <p>17 counsel.</p> <p>18 Q. And when would you have provided that to</p> <p>19 counsel after receipt of the subpoena?</p> <p>20 A. I don't recall when.</p> <p>21 Q. Actually, I've got a copy right here</p> <p>22 myself. Look at the date of the subpoena.</p> <p>23 The original subpoena, it was the middle</p> <p>24 of February. I'll get a specific date in just a</p> <p>25 moment. But it was sometime in the middle of</p>	<p style="text-align: right;">Page 12</p> <p>1 Department of Justice or one of its attorneys</p> <p>2 saying, hey, here's attached FYI that you asked</p> <p>3 for or a response to the subpoena. It would be</p> <p>4 some sort of general email along those lines;</p> <p>5 correct?</p> <p>6 A. I don't recall. A lot of the</p> <p>7 interactions with counsel was, you know, meetings,</p> <p>8 speaking over the phone or those kind of</p> <p>9 interactions.</p> <p>10 Q. Understood. But what I'm trying to do</p> <p>11 is after receipt of the subpoena, which was</p> <p>12 sometime in February, February 12, 2025 -- you</p> <p>13 earlier testified you sent information, documents,</p> <p>14 things that were in response to the subpoena</p> <p>15 electronically; right?</p> <p>16 MS. O'LEARY: Object to foundation and</p> <p>17 form.</p> <p>18 THE WITNESS: I didn't say that. I say</p> <p>19 some of it was electronic, not all of it.</p> <p>20 BY MR. DEAN:</p> <p>21 Q. And who would have sent it?</p> <p>22 A. I don't recall. It could be me or it</p> <p>23 could be -- it would have been me, I suppose.</p> <p>24 (Hennet Exhibit 2 was marked.)</p> <p>25</p>
<p style="text-align: right;">Page 11</p> <p>1 February that the subpoena was first served with a</p> <p>2 deposition notice after we agreed on your date for</p> <p>3 your deposition.</p> <p>4 What my question you to is, that's a</p> <p>5 little over 30 days ago, 30, 35, 40 days ago. Do</p> <p>6 you know when you responded and provided documents</p> <p>7 to the Department of Justice to produce in this</p> <p>8 case after receipt of the first subpoena?</p> <p>9 MS. O'LEARY: Object to the form and</p> <p>10 foundation.</p> <p>11 THE WITNESS: I do not recall when.</p> <p>12 BY MR. DEAN:</p> <p>13 Q. Now, you said you supplied some</p> <p>14 materials that you could find or that were</p> <p>15 responsive.</p> <p>16 Did you hand deliver them, or did you</p> <p>17 send them electronically, a share file? Do you</p> <p>18 remember the delivery method of that information?</p> <p>19 A. I do not recall the details of it, but</p> <p>20 most of it was done, I suppose, electronically.</p> <p>21 Q. Did you send an email forwarding the</p> <p>22 responsive information or a staff member do that?</p> <p>23 A. I don't recall who did it.</p> <p>24 Q. But either you or someone working at</p> <p>25 your direction would have sent an email to the</p>	<p style="text-align: right;">Page 13</p> <p>1 BY MR. DEAN:</p> <p>2 Q. Let me go ahead and mark as Exhibit 2</p> <p>3 something called an objection. Now, I'm not sure</p> <p>4 if you've seen this document or not. Just for the</p> <p>5 record and for your benefit, this is what is</p> <p>6 referred to as a response and objection to</p> <p>7 Exhibit 1, the subpoena.</p> <p>8 Do you see that?</p> <p>9 A. I'll look at it.</p> <p>10 Q. You can actually go to last page and see</p> <p>11 it was served on March 14, 2025. It's not</p> <p>12 important necessarily that you go through it. I</p> <p>13 don't have any specific questions for you. You</p> <p>14 can glance that you it. I guess I'm trying to see</p> <p>15 if you had seen it before today.</p> <p>16 (Witness reviewed the exhibit.)</p> <p>17 THE WITNESS: It sounds familiar, but I</p> <p>18 don't recall by memory if I saw this exact</p> <p>19 document.</p> <p>20 BY MR. DEAN:</p> <p>21 Q. Now, get Exhibit 1 back out, if you</p> <p>22 don't mind, and turn to Exhibit A that's at the</p> <p>23 back that has the list of documents, if you don't</p> <p>24 mind.</p> <p>25 MS. O'LEARY: What page is that?</p>

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<p style="text-align: right;">Page 14</p> <p>1 MR. DEAN: Just Exhibit A behind the 2 subpoena. 3 BY MR. DEAN: 4 Q. Do you see that there's basically 16 5 numbered items over three pages? 6 A. Yes. I do see 16 paragraphs. 7 Q. Now, I'll mark it in a moment, but I 8 received I guess it was last Friday and then last 9 night a supplemental bill, invoice. I don't 10 remember the totality of the pages, but they were 11 there was invoices from S.S. Papadopoulos & 12 Associates to the Department of Justice for 13 billings in this case. 14 Do you know what I'm generally referring 15 to? 16 MS. O'LEARY: Object to the form 17 foundation. 18 THE WITNESS: I can guess, but I don't 19 know exactly what you are referring to. 20 BY MR. DEAN: 21 Q. I'll show it to you in a moment. Let's 22 read together No. 5. It asks for all bills, 23 invoices or other documents related to payments 24 from the United States or any of its agencies to 25 you, S.S. Papadopoulos, or principals or agents of</p>	<p style="text-align: right;">Page 16</p> <p>1 activities though? Do you handwrite on a note pad 2 or do you put it into a computer? 3 A. We have a system. It's a software 4 system into which we enter basically our time for 5 billing purposes. 6 Q. And what is that program called? 7 A. I don't know. I don't recall the name 8 of it. 9 Q. It's generic, but there's one called 10 Timekeeper. You don't remember the name of the 11 computer program? 12 A. I don't remember the name of the 13 computer program. 14 Q. Have you in the past -- say you wanted 15 to do a review of your time. Maybe someone asked 16 you to take a look at your time. Is that 17 something that you could print out a summary of 18 your time so you can see what you entered into the 19 computer, say, for a month, like last February? 20 Could you print out your time entries to 21 see what you did in case there was a need? 22 A. I don't know how to do it, but admin, 23 administration staff is doing that. And if I 24 wanted to see something, I would have to request 25 it.</p>
<p style="text-align: right;">Page 15</p> <p>1 S.S. Papadopoulos relating to any work completed by 2 Remy J.C. Hennet and Alexandros Spilotopoulos. 3 Do you see that? 4 A. I see that. 5 Q. And then No. 6 asks a little -- let me 6 stay on five just for a moment. 7 When you -- I'll get to a point where we 8 talk about everything you've done to prepare for 9 your deposition, but let's just use yesterday for 10 an example. I assume you did a little prep work 11 of some sort yesterday. 12 A. I did. 13 Q. Now, at the end of the day, did you 14 write down on a note pad your time, or did you go 15 into a computer or a program or something and 16 input your time or someone do it for you? 17 A. I did not do that yesterday. 18 Q. But is that normally how you track your 19 time? 20 A. Normally I track my time daily or 21 sometimes it takes two days. It depends if I'm on 22 travel or those type of issues. 23 Q. I'm way behind on my time, so don't feel 24 bad. Lawyers do the same thing. 25 How do you keep track of your daily</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And who would you go to to request that 2 information? 3 A. To our administrative person. 4 Q. And who is that? 5 A. Her name is Seema, S-E-E-M-A, and she's 6 one of the administrative person that I would 7 request that from. 8 Q. No. 6 is a similar question, but a 9 little different. It says all bills, invoices or 10 other documents relating to payments from the U.S. 11 or any of its agencies to you, S.S. Papadopoulos 12 principals or agents, related in any way to Camp 13 LeJeune water litigation. 14 Do you see that? 15 A. I see that. 16 Q. It also refers to the CLJ litigation. 17 It refers to the word "remediation" related to 18 Camp LeJeune. 19 Do you see those? 20 A. It says from 2004 through the present. 21 Q. Correct. My question to you on 5 and 22 6 -- let's go to 5. Did you respond to No. 5 and 23 send anything or documents to the Department of 24 Justice in response to No. 5? 25 A. I believe it was done, but via</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 administration, not me.</p> <p>2 Q. And that related to your work on this</p> <p>3 case?</p> <p>4 A. I do not know exactly what was</p> <p>5 transferred.</p> <p>6 Q. No. 6, did you gather any historic</p> <p>7 documents, bills, invoices or anything related to</p> <p>8 your time working on Camp LeJeune issues,</p> <p>9 remediation issues from 2004 to the present? Did</p> <p>10 you send anything to the Department of Justice to</p> <p>11 respond to No. 6?</p> <p>12 MS. O'LEARY: Object to form.</p> <p>13 THE WITNESS: I did not personally, but</p> <p>14 admin may have.</p> <p>15 BY MR. DEAN:</p> <p>16 Q. You don't know if they sent documents</p> <p>17 responsive to 6 or not?</p> <p>18 A. I do not know what I could find because</p> <p>19 we are talking about a long time ago.</p> <p>20 Q. No. 7 says all timekeeping and billing</p> <p>21 records related to time you did any work on Camp</p> <p>22 LeJeune litigation from the time you or S.S.</p> <p>23 Papadopoulos were first retained, hired or</p> <p>24 contracted.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 20</p> <p>1 issues concerning Camp LeJeune, remediation</p> <p>2 related to Camp LeJeune.</p> <p>3 Do you see No. 8?</p> <p>4 MS. O'LEARY: And object to form and</p> <p>5 foundation.</p> <p>6 THE WITNESS: I see No. 8.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. And you see it asks for stuff back from</p> <p>9 2004? Do you see that?</p> <p>10 A. I see that.</p> <p>11 Q. Did you personally search for documents</p> <p>12 that were responsive to No. 8 and provide them</p> <p>13 either to administration to provide to the</p> <p>14 Department of Justice or you personally remember</p> <p>15 sending some stuff to the Department of Justice to</p> <p>16 respond to No. 8?</p> <p>17 A. Well, all communications by email was</p> <p>18 basically for this litigation always with a lawyer</p> <p>19 present in the conversation, and those</p> <p>20 communications particularly the lawyers have it.</p> <p>21 Q. The lawyers what?</p> <p>22 A. Lawyers would have that to the extent</p> <p>23 that they do exist.</p> <p>24 Q. Let's go back to my question. I</p> <p>25 understood your answer, but my question was a</p>
<p style="text-align: right;">Page 19</p> <p>1 MS. O'LEARY: Object to foundation.</p> <p>2 THE WITNESS: I see that.</p> <p>3 BY MR. DEAN:</p> <p>4 Q. Did you or someone S.S. Papadopoulos &</p> <p>5 Associates send any other supporting timekeeping</p> <p>6 and billing records related to work done by you or</p> <p>7 S.S. Papadopoulos & Associates from the first time</p> <p>8 you were retained for anything related to Camp</p> <p>9 LeJeune? Do you know if you responded to No. 7?</p> <p>10 A. Again, that would have gone through</p> <p>11 admin, administration at SSPA. That's what I can</p> <p>12 recall.</p> <p>13 Q. With regard to five, six and seven,</p> <p>14 we've now established that something was sent.</p> <p>15 You just don't know specifically what it was. If</p> <p>16 it was done, it was through Ms. Seema.</p> <p>17 MS. O'LEARY: Object to form.</p> <p>18 THE WITNESS: I don't know if it was</p> <p>19 done through Ms. Seema, but I don't know what was</p> <p>20 sent.</p> <p>21 BY MR. DEAN:</p> <p>22 Q. No. 8 talks about emails. It says</p> <p>23 communications, but it's primarily looking for</p> <p>24 letters or emails between S.S. Papadopoulos and the</p> <p>25 U.S. from 2004 to the present related to any</p>	<p style="text-align: right;">Page 21</p> <p>1 little different.</p> <p>2 My question was: After getting this</p> <p>3 subpoena sometime after February 12, 2025, did you</p> <p>4 personally go search historic emails, records,</p> <p>5 communications, letters from 2004 to the present</p> <p>6 and provide them to the Department of Justice?</p> <p>7 MS. O'LEARY: Object to foundation.</p> <p>8 BY MR. DEAN:</p> <p>9 Q. That was my question.</p> <p>10 MS. O'LEARY: I'm sorry. Object to</p> <p>11 foundation.</p> <p>12 THE WITNESS: I don't recall exactly.</p> <p>13 The issue is can I retrieve things all way 20</p> <p>14 years back. Personally, I can't because we have</p> <p>15 an archive system. I am not understanding how it</p> <p>16 is done.</p> <p>17 Since then we have changed computer</p> <p>18 systems. We've changed location. So that's not</p> <p>19 the type of thing that I do. But it was looked at</p> <p>20 to see what we could find. And my understanding</p> <p>21 is Dr. Spiliotopoulos might have done something.</p> <p>22 I don't know. Personally I gave everything I have</p> <p>23 to the Department of Justice. That's what I</p> <p>24 recall.</p> <p>25</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 BY MR. DEAN:</p> <p>2 Q. Let me go back to my question one more</p> <p>3 time. I think I understood it, but I just want to</p> <p>4 be clear.</p> <p>5 You didn't personally undertake an</p> <p>6 effort to search your computer or any file servers</p> <p>7 or file folders for emails or other communications</p> <p>8 as far back as 2004 related to Camp LeJeune</p> <p>9 issues? You didn't personally undertake that</p> <p>10 effort?</p> <p>11 A. I looked at what I have on my computer</p> <p>12 and I gave -- I responded to this the way -- I</p> <p>13 looked. What do I have? I found no email that</p> <p>14 are old. Whatever emails that are related to this</p> <p>15 case were basically always in the presence of</p> <p>16 counsel, and those were -- counsel has copies of</p> <p>17 it because they were involved.</p> <p>18 Q. I'll use a particular person's name,</p> <p>19 Scott Williams. He's a NAVFAC employee.</p> <p>20 Does that name sound familiar to you?</p> <p>21 A. The same sounds familiar to me.</p> <p>22 Q. But I'm just using that as an example.</p> <p>23 You know that Camp LeJeune Justice Act and this</p> <p>24 case was formally initiated sometime in the summer</p> <p>25 of 2022.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And you said something about them being</p> <p>2 archived in another location. You don't have</p> <p>3 access to it personally. Can you tell me what</p> <p>4 you're referring to?</p> <p>5 MS. O'LEARY: Object to foundation.</p> <p>6 THE WITNESS: I would be referring to,</p> <p>7 for example, reports that I wrote if I did and</p> <p>8 other documents that were part of the files at the</p> <p>9 time.</p> <p>10 BY MR. DEAN:</p> <p>11 Q. Do you know anyone that has filed -- let</p> <p>12 me change it a little. Withdraw that.</p> <p>13 Have you or anyone at S.S. Papadopoulos &</p> <p>14 Associates filed a Camp LeJeune Justice Act claim?</p> <p>15 MS. O'LEARY: Object to foundation.</p> <p>16 THE WITNESS: I have not, and I don't</p> <p>17 know about -- I don't know what all other people</p> <p>18 do.</p> <p>19 BY MR. DEAN:</p> <p>20 Q. Do you know of a relative that you have</p> <p>21 or a friend that has filed Camp LeJeune Justice</p> <p>22 Act claim?</p> <p>23 A. I do not know of any such person. I</p> <p>24 want to say I don't know if they did it or not. I</p> <p>25 do not know anybody who did.</p>
<p style="text-align: right;">Page 23</p> <p>1 MS. O'LEARY: Object to foundation.</p> <p>2 THE WITNESS: Can you repeat the</p> <p>3 question, please?</p> <p>4 BY MR. DEAN:</p> <p>5 Q. Yes. This case, the Camp LeJeune</p> <p>6 Justice Act litigation for which we're here today</p> <p>7 was initiated in the summer of 2022.</p> <p>8 MS. O'LEARY: Object to form.</p> <p>9 THE WITNESS: I don't recall exactly</p> <p>10 when that would have been initiated.</p> <p>11 BY MR. DEAN:</p> <p>12 Q. Your billing records, which we'll get to</p> <p>13 in a minute, I think your first invoice was in</p> <p>14 September of '22.</p> <p>15 A. That's possible.</p> <p>16 Q. So let's separate. I want to talk to</p> <p>17 you about 2004 until June, July, August of '22,</p> <p>18 that time period. Okay?</p> <p>19 Did you search for any emails,</p> <p>20 communications, letters between yourself and any</p> <p>21 government agency, EPA, Navy, Scott Williams? Did</p> <p>22 you search for any old emails between 2004 and</p> <p>23 July of '22?</p> <p>24 A. There are none that I could find on my</p> <p>25 computer.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Now, do you remember when you became</p> <p>2 aware of a Marines military base known as Camp</p> <p>3 LeJeune? And you don't have to be on a specific</p> <p>4 date. Do you know generally when you first</p> <p>5 learned? Is that something you learned in high</p> <p>6 school or college or after you became a</p> <p>7 professional? Do you know when you first became</p> <p>8 aware there was a Marines base called Camp</p> <p>9 LeJeune?</p> <p>10 A. I do not recall when. Camp LeJeune is a</p> <p>11 big important Defense Department facility. I read</p> <p>12 the newspaper. So I don't know when I would have</p> <p>13 first heard about Camp LeJeune, per se.</p> <p>14 Q. Do you remember when you first might</p> <p>15 have been hired by any United States government</p> <p>16 agency or military organization to do any sort of</p> <p>17 work at Camp LeJeune?</p> <p>18 A. Yes. That would have been around the</p> <p>19 mid 2005 period. I know that in 2005 I did work</p> <p>20 on Camp LeJeune issues.</p> <p>21 Q. Do you remember who contracted or hired,</p> <p>22 reached out to you or S.S. Papadopoulos to do some</p> <p>23 work related to Camp LeJeune?</p> <p>24 A. The Department of Justice.</p> <p>25 Q. So the first time you were asked do any</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 work related to Camp LeJeune, as best you can 2 remember as you sit here today, it had to do with 3 the Department of Justice reaching out and saying 4 inquiring about retaining you and your company to 5 do some work? 6 A. My recollection is that the person who 7 has been -- was contacted for doing work was 8 Gordon -- Mr. Gordon Bennett. And then I got 9 involved as well. 10 Q. We'll come back to that in a moment. 11 (Hennet Exhibit 3 was marked.) 12 BY MR. DEAN: 13 Q. Let's go ahead and mark your report as 14 Exhibit 3. I've handed you Exhibit 3. Can you 15 identify Exhibit 3? 16 A. The first page of Exhibit 3 is expert 17 report of Remy J.C. Hennet. 18 Q. And it's dated December 9, 2024. Do you 19 see that? 20 A. That's correct. 21 Q. At the time you issued this report -- I 22 think your signature on it at the end. Your 23 signature is on page 2 of this document. 24 Do you see that? 25 A. That's correct.</p>	<p style="text-align: right;">Page 28</p> <p>1 today. I want to add that in February after my 2 report, I did go back to Camp LeJeune, and I did 3 some measurements that basically -- I performed 4 those measurements. 5 Q. I believe I remember seeing some of 6 that, and we'll get it to later this morning. I 7 think it was the like February 11 that you went 8 back because there's a couple pages of handwritten 9 notes. 10 Does that sound about right about the 11 date? 12 A. That's right. 13 Q. Why did you -- what triggered you to go 14 back to Camp LeJeune to do those measurements you 15 just referred to? 16 A. A couple of things. If I recall, there 17 were two affidavits that were basically produced 18 after my report was submitted that described some 19 witness of some operations at Camp LeJeune. And 20 that was one element. And the other element was 21 in the report of Dr. Sabatini, there was a general 22 agreement on the methodologies I applied to 23 calculate losses from the water, losses of the 24 contaminant of concern from water that the 25 parameters of was a disagreement with</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And it says it's an expert report of 2 Remy J.C. Hennet, and it's got the style of this 3 case. 4 Do you see that? 5 A. Yes, I do. 6 Q. At the time of your signing this report, 7 do you believe you had all of the information and 8 data in order to provide the opinions that are 9 listed in this report? 10 A. At the time of my expert report, all the 11 opinions that I expressed in the report were based 12 on the information that I had at that time and 13 before. 14 Q. And at that time, to the extent you have 15 information and opinions in this report, you had 16 at that time all the information you felt like and 17 documents and data to issue these opinions? 18 A. Yes, I did. 19 Q. Now, you issued it December 9. We're 20 here today on March 20, 2025, about three months, 21 give or take. 22 Is there any of your opinions in this 23 report that you want to change, take back, modify 24 or add to so that it is correct and complete? 25 A. All the opinions in my report I stand by</p>	<p style="text-align: right;">Page 29</p> <p>1 Dr. Sabatini, not the methodologies. And I 2 wanted -- in particular there was a parameter that 3 I wanted to establish, and I did that. 4 Q. When you went back on February 11, 2025, 5 that was not the first time you had been on on 6 board Camp LeJeune? 7 A. That was not the first time. 8 Q. If I remember correctly some old emails, 9 which I can pull out if I need to, but I think you 10 were involved in some issues related to advising 11 on some remediation issues and were at Camp 12 LeJeune sometime in 2005 for the first time. 13 MS. O'LEARY: Objection to form. 14 BY MR. DEAN: 15 Q. Does that sound about right? 16 A. I don't recall those. That's possible. 17 In 2005 I was involved in work for the Department 18 of Justice on issues at Camp LeJeune that it had 19 nothing to do with this case. It was a different 20 case or different cases. And that's what I 21 recall. 22 Q. How many times do you think between 2005 23 and February 11, 2025, when you went back this 24 most recent, how many times do you think you've 25 actually been to Camp LeJeune, ballpark?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I believe -- my recollection is for this 2 particular case here, I went to Camp LeJeune, I 3 believe, three times. Before that, I don't 4 recall, but it was more than once. 5 Q. We'll get to the billing records in a 6 little bit, see if we can figure that out. But 7 what you're telling me right now as best you 8 remember is somewhere between August of '22 and 9 today, you think you've been there approximately 10 three times? 11 A. That's what I recall at this moment. 12 Q. Had you spent the night in the area of 13 Jacksonville, North Carolina while doing some work 14 or meetings at Camp LeJeune those three times? 15 A. Not the three times. 16 Q. At least once? 17 A. Yes. 18 Q. So you've made three trips. One of 19 those trips you stayed multiple days or at least 20 two days? 21 A. I think that's correct. One of the trip 22 may have spanned over two days. I believe so. 23 Q. Before February 11, 2025, had you gone 24 to the Tawara Terrace water treatment plant and 25 taken a look at it?</p>	<p style="text-align: right;">Page 32</p> <p>1 MS. O'LEARY: Same objection. 2 THE WITNESS: For this litigation case, 3 I was the one who was contacted. And I was 4 contacted to evaluate the work that had been done 5 by ATSDR and to basically evaluate whether or not 6 the data that was or the values that were 7 estimated by ATSDR would be quantitatively 8 reliable to provide reliable values for the 9 chemical of concern in the water supply. That, as 10 I recall, was basically the task. 11 BY MR. DEAN: 12 Q. Dr. Spilotopoulos or 13 Mr. Spilotopoulos -- I can't remember if he's a 14 doctor or not; I apologize -- he would have 15 started doing some work on this case, as far as 16 this litigation case sometime in '22 along with 17 you? 18 MS. O'LEARY: Object to foundation. 19 THE WITNESS: It would have been a 20 little bit after I was involved. 21 BY MR. DEAN: 22 Q. Fair. 23 A. That's what I recall. 24 Q. Between '22 and '25, did he make 25 independent trips to Camp LeJeune separately from</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Tawara Terrace treatment plant doesn't 2 exist anymore. Anymore I want to add. 3 Q. I understand. So you've never 4 physically inspected personally from 2005 to 2025 5 the Tawara Terrace water treatment facility? 6 A. Not the water treatment facility at 7 Tawara Terrace because it was not there to be 8 visited. 9 Q. Do you know when the water treatment 10 plant at Tawara Terrace was dismantled? 11 A. I do not recall when it was dismantled. 12 Q. But you've personally never been there? 13 A. In the Tawara Terrace water treatment 14 plant, I've never been in there. 15 Q. And S.S. Papadopoulos & Associates was 16 retained in 2022 to work on this Camp LeJeune 17 litigation case. You told me that earlier. Is 18 that fair? 19 A. That's correct. 20 Q. And is that first time that 21 Mr. Spilotopoulos started doing some work on this 22 case along with you? 23 MS. O'LEARY: Object to foundation. 24 BY MR. DEAN: 25 Q. For this litigation case.</p>	<p style="text-align: right;">Page 33</p> <p>1 you, if you remember, or was he accompanying you 2 on these two or three times that you went to Camp 3 LeJeune? 4 A. As far as he's concerned, you will have 5 to ask him. As far as I am concerned, he was 6 there one time when I was there. 7 Q. Do you know whether he was able to 8 personally go take a look at Camp LeJeune Tawara 9 Terrace water treatment plant between '22 and '25? 10 A. Again, Tawara Terrace plant doesn't 11 exist. So he could not have visited it. 12 Q. Now, Hadnot Point water treatment plant 13 have, you ever in the last -- since August of 14 2022, have you gone to the Hadnot Point water 15 treatment plant and done any inspection or done 16 any work there? 17 A. Can you repeat the question? I didn't 18 catch the time. 19 Q. Since August of '22. 20 A. Yes. I have been there. 21 Q. And when have you been that? 22 A. Every time I went to the base, I went to 23 that plant. 24 Q. So approximately three times? 25 A. Approximately three times. That's what</p>

<p style="text-align: right;">Page 34</p> <p>1 I recall, yes.</p> <p>2 Q. And that includes two times before</p> <p>3 February of '25 and you also went a third time</p> <p>4 approximately -- we'll look at the records -- on</p> <p>5 February 11 of this year, you went back to the</p> <p>6 treatment plant?</p> <p>7 A. I went back to the treatment plant, and</p> <p>8 the other times I also went to the treatment</p> <p>9 plant.</p> <p>10 Q. The other two times -- again dates are</p> <p>11 not important to me -- was the plant operating?</p> <p>12 A. Hadnot Point?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember if those prior two</p> <p>16 occasions you did any inspections or take a look</p> <p>17 at the spiractors?</p> <p>18 A. Every time I went to the plant, I did</p> <p>19 that.</p> <p>20 Q. Now, who all from S.S. Papadopoulos &</p> <p>21 Associates has done some work on this case along</p> <p>22 with you to support your work? I know about</p> <p>23 Dr. Spilotopoulos. Whom else?</p> <p>24 A. There were others. I do not remember</p> <p>25 each one of them probably because there were quite</p>	<p style="text-align: right;">Page 36</p> <p>1 T-O-N-K-I-N.</p> <p>2 Q. When you refer to yourself and</p> <p>3 Mr. Tonkin as senior principals, do you have an</p> <p>4 ownership interest or a share interest in S.S.</p> <p>5 Papadopoulos & Associates?</p> <p>6 A. I do.</p> <p>7 Q. And what is the nature of that ownership</p> <p>8 interest?</p> <p>9 A. The ownership structure at my company is</p> <p>10 basically you have two types. Every employee has</p> <p>11 some shares via what is called an ESOP, E-S-O-P,</p> <p>12 employee-owned stock partnership.</p> <p>13 Q. Yes, sir.</p> <p>14 A. Then you have the other ownership share</p> <p>15 types, which are basically -- it's a private</p> <p>16 company, and other ownership types which is</p> <p>17 basically -- I don't know how many people have</p> <p>18 such shares, but 10, 15 maybe.</p> <p>19 Q. So what is the nature of your ownership</p> <p>20 of shares in S.S. Papadopoulos & Associates?</p> <p>21 A. It's a minority position.</p> <p>22 Q. Can you quantify what that minority</p> <p>23 position is? So, for example, you said there's</p> <p>24 two principals, yourself and Mr. Tonkin.</p> <p>25 When you say minority, I assume you both</p>
<p style="text-align: right;">Page 35</p> <p>1 a few, I suppose, but I can give you the one I</p> <p>2 remember.</p> <p>3 Q. That's fine.</p> <p>4 A. Dr. Soderberg.</p> <p>5 Q. Can you spell last name for us?</p> <p>6 A. S-O-D-E-R-B-E-R-G. He's a Ph.D. staff</p> <p>7 member. That would be one. Mr. Saul, S-A-U-L,</p> <p>8 Allen, A-L-L-E-N. That would be another one.</p> <p>9 Q. Can you give a title or a position as we</p> <p>10 go through these? You said Dr. Soderberg. Is he</p> <p>11 a principal?</p> <p>12 A. He's not a principal, but he's, I</p> <p>13 believe, an associate.</p> <p>14 Q. How about Mr. Allen?</p> <p>15 A. He's not a principal. He's basically</p> <p>16 our document manager.</p> <p>17 Q. Before we go keep going through the</p> <p>18 list, what is your title at S.S. Papadopoulos &</p> <p>19 Associates?</p> <p>20 A. I am a senior principal.</p> <p>21 Q. How many senior principals are there at</p> <p>22 S.S. Papadopoulos & Associates approximately?</p> <p>23 A. Fully active, there are two.</p> <p>24 Q. And who are those?</p> <p>25 A. The other one is Dr. Matt Tonkin,</p>	<p style="text-align: right;">Page 37</p> <p>1 don't own 50 percent of the company; is that fair?</p> <p>2 MS. O'LEARY: Object to foundation and</p> <p>3 fair.</p> <p>4 THE WITNESS: That's fair. I want to --</p> <p>5 we are not the only two principals. We're the two</p> <p>6 full-time senior principals. You have additional</p> <p>7 senior principals who are basically retired, but</p> <p>8 still involved. And you will you would have that</p> <p>9 situation. And the ownership is basically</p> <p>10 distributed including those people.</p> <p>11 BY MR. DEAN:</p> <p>12 Q. How many is the total? Yourself and</p> <p>13 Mr. Tonkin or Dr. Tonkin. How many others are</p> <p>14 there that are principal shareholders?</p> <p>15 A. Principal?</p> <p>16 Q. Yes, sir.</p> <p>17 A. Well, you have the one who are</p> <p>18 semiretired. They would be senior principals at</p> <p>19 least.</p> <p>20 Q. How many and who are they?</p> <p>21 A. Three.</p> <p>22 Q. Who?</p> <p>23 A. So the first one, the oldest one, if you</p> <p>24 wish, is still there, still active, not in a full</p> <p>25 time. It's Dr. Papadopoulos. Dr. Papadopoulos is</p>

<p style="text-align: right;">Page 38</p> <p>1 the founder of the firm. He used to be at the 2 USGS and basically started his firm in 1979. 3 The second one would be Mr. Steve 4 Larson, L-A-R-S-O-N. He joined Mr. Papadopoulos or 5 Dr. Papadopoulos shortly after the firm started up. 6 And he also used to be at the USGS. Dr. -- Mr. 7 Larson was basically working on the precursor of 8 MODFLOW at the USGS and did some recognized work 9 of that nature. And then he joined 10 Dr. Papadopoulos. 11 After that, maybe three or four years 12 later, I do not know exactly the timing, 13 Dr. Charles Andrews, A-N-D-R-E-W-S, joined the 14 company. And basically they are considered the 15 three founders of the company. 16 Q. And they're semiretired, not full-time 17 principals, I guess, is the best way you 18 described them; right? 19 A. That's right. Different duties. 20 Q. So those five have a majority ownership 21 interest together? 22 A. I do not believe so, but I don't know. 23 Q. Now, did either Dr. Tonkin or any of the 24 other semiretired principals, Dr. Papadopoulos, 25 Mr. Larson, Mr. Andrews, did any of them also work</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Well, I would ask admin to tell me who 2 worked on that project probably, and I think they 3 would be able to tell me. 4 Q. They have to pull up some time records 5 or a summary of time records to figure that out 6 for you; right? 7 A. I don't know exactly how they do it. I 8 would expect an answer from them. 9 Q. There's another name that I've noticed 10 in some of the billing records for some travel 11 whose last name was the same as yours. 12 A. Yes. That's correct. 13 Q. And who would that be? 14 A. Crystal Hennes, she's a Ph.D., and she's 15 actually my wife. And on special times when I 16 need support, she has on and off provided some 17 support. 18 Q. What's her expertise? 19 A. She's a geoscientist. 20 Q. What is her title, do you remember? 21 A. I do not know what her title would be, 22 but she's a scientist, Ph.D. She would be an 23 external associate, if you wish. She's not a 24 full-time employee. 25 Q. So she's not a senior hydrologist or a</p>
<p style="text-align: right;">Page 39</p> <p>1 on any issue related to this litigation over the 2 last three years and did some billing that you 3 would know about? 4 MS. O'LEARY: Object to foundation. 5 BY MR. DEAN: 6 Q. Or is it just you? 7 A. I do not believe that those persons have 8 worked on this case. 9 Q. So if I see your name on billing records 10 or time records -- not your name, but it says 11 senior principal and those hours that are 12 attributable to that senior principal, the only 13 person that would be to your knowledge would be 14 referring to work yourself did? 15 A. I believe that's correct. 16 Q. Now, other than Dr. Soderberg, 17 Mr. Allen, who else has done some work on this 18 case to support you? 19 A. Right now I don't recall all of them, 20 but, you know, for example, Mr. Cousin, Jim 21 Cousin, C-O-U-S-I-N, has done some work. There 22 are others, but I would have check the billing 23 again if I wanted to know exactly. 24 Q. What billing records would you have to 25 check?</p>	<p style="text-align: right;">Page 41</p> <p>1 project hydrologist? 2 A. I do not know for sure. She could be a 3 senior scientist. 4 Q. How about senior staff hydrologist? 5 A. I don't know. 6 Q. So you don't know really as far as the 7 folks that we've now discussed, four people, you 8 don't know exactly what the billing records 9 reflect their position to be specifically? 10 MS. O'LEARY: Object to foundation. 11 THE WITNESS: At present I do not. 12 BY MR. DEAN: 13 Q. Anybody else provide any additional 14 support or work on Camp LeJeune that you haven't 15 told me about that you remember as you sit there? 16 I recognize you might have to look at some 17 records, but we've talked Dr. Spiliotopoulos and 18 these other four. 19 Is there anybody else you haven't talked 20 about that you remember? 21 A. There are others, but specifically the 22 name of them I would not remember right now. 23 Q. How many employees today does 24 Papadopoulos & Associates have active? 25 A. Active I believe is 60 to 65.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. And are they all located in your offices 2 located -- I believe it's Maryland, isn't it, the 3 address, Rockville? 4 A. No. They are not all located in 5 Rockville. 6 Q. Do you have another office somewhere? 7 A. Yes, we do. 8 Q. Where is it? 9 A. We have more than one. 10 Q. How many offices does S.S. Papadopoulos & 11 Associates have, and where are they located? 12 A. Well, we have one office in San 13 Francisco. We have one office in Boulder, 14 Colorado. We have one office in Waterloo, Canada. 15 And I think that's it as offices are concerned. 16 Some of our employees are basically remote, but 17 those, I don't count those as offices. 18 Q. I understand. Do those offices, 19 San Francisco, Boulder, Colorado or Waterloo, 20 Canada, do they focus on any specific area or 21 region of work? 22 A. The San Francisco office is more dealing 23 with engineering and remediation type of issues, 24 to my general knowledge, because I don't know 25 everything. The same would be for the Waterloo,</p>	<p style="text-align: right;">Page 44</p> <p>1 everything I have ever done. 2 BY MR. DEAN: 3 Q. Understood. 4 A. As well as the CV is limited to 5 deposition experience for the last four years or 6 five years, whatever. 7 Q. That's what I was going to ask you on 8 this question. Then we'll take a break. It is 9 showing three depositions that you've been 10 involved in over the last four years. 11 Has there been any others since 12 December? Have you given a deposition since last 13 December that this three would be incorrect? 14 A. Not since December. 15 Q. So the past four years, you've had three 16 depositions. Have you provided some deposition or 17 trial testimony before 2020? 18 A. Yes, I have. 19 Q. Do you remember approximately how many 20 times? 21 A. Depositions or trial -- 22 Q. Both. 23 A. -- testimony. To the best of my 24 recollection, over my career, that would include 25 whatever is in the CV, I testified in court either</p>
<p style="text-align: right;">Page 43</p> <p>1 Canada office. And the Boulder, Colorado office 2 is dealing mostly with water issues. 3 Q. Let's go to your CV, and it's not -- 4 it's the first document, your CV, behind 5 Attachment A, like about a third of the way 6 through. 7 MS. O'LEARY: Are you on Exhibit 3? 8 MR. DEAN: Exhibit 3. 9 MS. O'LEARY: If we have a stopping 10 point sometime soon, we've been going for about an 11 hour, can we stop soon? 12 MR. DEAN: Yep. Let me ask these next 13 couple questions, and we'll stop. 14 BY MR. DEAN: 15 Q. Do you have your CV in front of you? 16 A. I have the CV attached to my report in 17 front of me. 18 Q. I believe the CV, it was attached when 19 the report was issued in December '24. My 20 question to you is: Do you still believe that 21 this CV is correct and complete, or is there 22 anything you need to add to the CV? 23 MS. O'LEARY: Object to foundation. 24 THE WITNESS: Well, the CV is complete. 25 It contains examples of what I have done, not</p>	<p style="text-align: right;">Page 45</p> <p>1 front of a judge or a magistrate about a dozen 2 times. As far as depositions are concerned, the 3 best of my recollection would be about three dozen 4 times. 5 Q. Any trials since 2020? 6 A. No. It is not in my CV. I have no 7 trials since 2020. 8 Q. I just wanted to to clarify and confirm. 9 MR. DEAN: We'll take a break right now 10 if you'd like. 11 THE VIDEOGRAPHER: We are off the record 12 at 1004. 13 (Recess from 10:04 a.m. to 10:15 a.m.) 14 THE VIDEOGRAPHER: We are on the record 15 at 1015. 16 BY MR. DING: 17 Q. Let's jump to a little bit different new 18 topic. We may jump around a little bit today. 19 That's just how I roll. Okay? 20 What did you do to prepare for your 21 deposition today? 22 A. Today basically nothing today. But to 23 prepare for the deposition, I did prepare, of 24 course, but not today. Yesterday and before that. 25 Q. Let's break it down. Who have you met</p>

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<p style="text-align: right;">Page 46</p> <p>1 with in the past 30 days to prepare for your 2 deposition?</p> <p>3 A. To prepare for my deposition I met 4 yesterday with counsel, counsel who are present 5 here today. And before that, we had conference 6 calls, maybe two or three times, in which we did 7 address some issues of deposition, but the 8 conference calls were not uniquely on depositions. 9 That is what I recall for the last 30 days.</p> <p>10 Q. Since July or August of '22, since you 11 started doing work in this specific case, other 12 than the Department of Justice lawyers, have you 13 met or had any phone conversations with any 14 Marines, Navy personnel, NAVFAC personnel, other 15 federal government agencies to find out 16 information or to have a conversation about 17 something that might be needed for your work?</p> <p>18 A. Not that I can recall. Any such 19 interaction would have been through counsel.</p> <p>20 Q. So, for example, I know you were at the 21 base in May of '24. It's, in your opinion, report 22 and it shows some photos and there's a little date 23 May of 2024. I'm using that simply as an example 24 so you understand where I'm going with this. 25 I'm just trying to find out if you</p>	<p style="text-align: right;">Page 48</p> <p>1 phone representing the base or any U.S. agencies 2 and DOJ lawyers were also on the call? That was 3 my question, if you remember.</p> <p>4 A. I don't remember any.</p> <p>5 Q. Now, those several times you were on the 6 base, you've indicated that there were some base 7 representatives, nonlawyers that were present that 8 you my question interacted with; right?</p> <p>9 A. That's correct.</p> <p>10 Q. Do you remember who they were?</p> <p>11 A. I do not remember who they were. I do 12 not remember their names, perhaps with the 13 exception of the one you mentioned before who I 14 don't remember the name of right now.</p> <p>15 Q. Scott Williams?</p> <p>16 A. Scott Williams. Because he was there to 17 basically provide a tour. Basically just the 18 times I was at the base for this case, he was 19 there for at least a part of it.</p> <p>20 Q. Let's talk about these visits on base as 21 far as locations that you went. I've only been on 22 the base I think once, maybe twice, and I went to 23 something referred to as the cages or a cage. It 24 was a big warehouse and it had some documents in 25 it, some boxes and boxes of documents. I'm using</p>
<p style="text-align: right;">Page 47</p> <p>1 interacted with any nonlawyers in the past two and 2 a half years either, in person or by phone, about 3 issues related to Camp LeJeune. Counsel might 4 have been present. And I'm not asking what 5 necessarily was discussed. I'm trying to find out 6 if there was other individuals, nonlawyers, that 7 might have been at the May '24 inspection or that 8 you've had conversations with over the last couple 9 years.</p> <p>10 A. Counsel was always present during those 11 visits, and there were people from the base that 12 were there. And those people would be there to 13 give us a tour and explain where we were and so 14 on. They would occasionally answer questions that 15 were asked.</p> <p>16 Q. So can we agree on this, that at least 17 over the past two years, you don't remember having 18 any phone calls with any nonlawyers for any 19 purpose related to this Camp LeJeune work?</p> <p>20 A. There was no phone calls that would be 21 with base personnel or so without the presence of 22 a lawyer there.</p> <p>23 Q. That's what trying to figure out. Have 24 you had any phone conversations in the past two 25 and a half years for which a nonlawyer was on the</p>	<p style="text-align: right;">Page 49</p> <p>1 that as an example.</p> <p>2 Where on the base have you generally 3 been to to do anything related to your work at 4 Camp LeJeune to the best of your recollection on 5 those three visits?</p> <p>6 A. To the best of my recollection, the 7 visits all together included a thorough visit of a 8 large portion of the base, where we were allowed 9 to go because I believe that you may have sections 10 of the base where you cannot go unless you have 11 some clearance or something like that. That's 12 what I recall. But we went to many places with 13 basically a focus on the water treatment plant, 14 the wells and issues that are basically of 15 relevance to what I did.</p> <p>16 Q. So those three times, and just use this 17 as an example, you'd pull up to the gate. Someone 18 would meet you there, maybe Scott Williams or 19 others. You'd all get in a car and you've ridden 20 around Hadnot Point in a car; right?</p> <p>21 A. In a bus.</p> <p>22 Q. In a bus? Car wasn't big enough for all 23 the people; right?</p> <p>24 A. At least on two visits.</p> <p>25 Q. Rode around Hadnot Point observing</p>

<p style="text-align: right;">Page 50</p> <p>1 whatever it may be that you all were looking at; 2 right? 3 A. We were just basically just performing a 4 site visit, that's right. 5 Q. Do you remember getting off the bus to 6 walk into a building to do any sort of an 7 inspection or take measurements or do anything 8 other than the water treatment plant? 9 A. We were doing site visits, and that 10 included going into certain buildings. 11 Q. Do you remember which buildings you went 12 into? 13 A. I do not remember the number of the 14 buildings. Each building has a number. The only 15 one I remember is where we went to eat. 16 Q. Where was that? 17 A. I think it was the officer compound. 18 Q. Do you know what Building 20 is? 19 A. Yes, I do. 20 Q. What is Building 20? 21 A. That's Hadnot Point water treatment 22 plant. 23 Q. Do you know what the Building 900 series 24 are? 25 A. Yes, I do.</p>	<p style="text-align: right;">Page 52</p> <p>1 for documents related to the base. 2 Q. Did you have any historical documents 3 that you had prior to July, August of '22, any old 4 files or old working documents, maps, whatever it 5 may be, reports that you might have used prior to 6 '22 that you used and looked at in this case? 7 A. Well, my understanding is that all the 8 documents that I had seen before for the base were 9 included into what was basically available for 10 this case. 11 Q. So if it's on your reference list, it's 12 complete as far as you know as you sit here today? 13 A. What is on the reference list in my 14 report is what supports my report. 15 Q. Do you have other documents in your 16 files or old computers at S.S. Papadopoulos that 17 related to Camp LeJeune that you have referred to, 18 reviewed or relied upon that are not listed? 19 MS. O'LEARY: Object to foundation. 20 THE WITNESS: I do not believe so as far 21 as the way the question was phrased. 22 BY MR. DING: 23 Q. The reason I ask it was just simply to 24 make sure you and I understand one another and 25 that your reference and reliance materials, which</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. And have you been to the Building 900, 2 901, 902, 903 area? 3 A. For this litigation, I have been not 4 been inside those buildings. 5 Q. Did you go in any buildings while you 6 were there for those three occasions to look at 7 documents or to see if you could locate 8 information that might be helpful to your work in 9 the case? 10 A. I recall that we went into the building 11 you're describing, I believe, before where you 12 have basically looked documents, boxes of 13 documents. I recall we went into that building. 14 Q. Did you go through any boxes, look at 15 any documents and pull anything out or flag 16 anything for someone to provide to you? 17 A. No. 18 Q. Now, we'll get to it in a moment about 19 your reference list, and there's quite a lot of 20 materials listed that. I guess why I'm asking it 21 now is the only way in which you've received 22 information and documents -- let's confine it to 23 documents in this case is from the Department of 24 Justice and their counsel? 25 A. For documents, I believe that's correct,</p>	<p style="text-align: right;">Page 53</p> <p>1 we'll get to in a minute, that list is complete 2 and there's not something that's not on that list 3 that's back at your office or on a computer that 4 you reviewed that was maybe in a historical file 5 that you already had and it's something that 6 you've reviewed or relied upon that also supports 7 and it's just not listed. That's why I asked you 8 the question. Okay? 9 MS. O'LEARY: Object to form. 10 THE WITNESS: I understand the question. 11 And there is information that I collected after my 12 report that we discussed previously that 13 particularly is not in my report because it didn't 14 exist at the time. 15 BY MR. DING: 16 Q. Understood. Agreed. That's your 17 supplemental materials, which we'll get to in a 18 moment. 19 Other than that, you're not aware of 20 anything else historical in your files that you 21 reviewed or relied upon that are not listed? 22 A. I cannot think of any documents that 23 relate to the base. 24 Q. So what do you consider or how would you 25 define your expertise as a professional?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. That is described in my CV.</p> <p>2 Q. Understand. Are you a fate and</p> <p>3 transport expert, groundwater expert, hydrologist?</p> <p>4 How would you classify your general area of</p> <p>5 expertise?</p> <p>6 A. I am a geochemist. I have a</p> <p>7 hydrologist. I am a geologist. And in each of</p> <p>8 those disciplines, I have university degrees.</p> <p>9 That's basically what describes my education, if</p> <p>10 you wish.</p> <p>11 Q. Your registrations and/or licenses are</p> <p>12 listed. There's two of them on your CV,</p> <p>13 geoscientist in Texas and a certified professional</p> <p>14 geological scientist for the American Institute</p> <p>15 for Professional Geologists; correct?</p> <p>16 MS. O'LEARY: Object to foundation.</p> <p>17 THE WITNESS: Licenses and</p> <p>18 certifications, I believe that's complete.</p> <p>19 BY MR. DING:</p> <p>20 Q. And that's complete. So, for example,</p> <p>21 you're not a professional engineer and hold a</p> <p>22 professional engineer's license?</p> <p>23 A. I am not a professional engineer.</p> <p>24 Q. Do you have you ever served on a</p> <p>25 peer-review committee?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Was that Hudson Valley?</p> <p>2 A. That one was not Hudson Valley.</p> <p>3 Q. Who was the committee that asked you to</p> <p>4 do the peer review for the one you're just</p> <p>5 referring to in Pennsylvania?</p> <p>6 A. It was a panel that was doing actually</p> <p>7 peer review of what existed at the time as well as</p> <p>8 conducting some research for the panel.</p> <p>9 Q. Did you do the report, do a report or is</p> <p>10 there anything that's publicly available about</p> <p>11 this peer review?</p> <p>12 A. I do not know about publicly available.</p> <p>13 But there were several reports, and I was one of</p> <p>14 the contributors. I was not the only one on the</p> <p>15 panel.</p> <p>16 Q. Is it listed in your CV?</p> <p>17 A. I believe it's with one of the clients</p> <p>18 listed there in the paper.</p> <p>19 Q. Who was the client involved in the one</p> <p>20 you're referring to in Pennsylvania?</p> <p>21 A. At the time, I recall the client was</p> <p>22 Texas Eastern.</p> <p>23 Q. Are you a member of the National Academy</p> <p>24 of Engineering?</p> <p>25 A. I am not.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes, I have.</p> <p>2 Q. Are there any that you've served on that</p> <p>3 are related to any of the issues involved in this</p> <p>4 case related to water contamination?</p> <p>5 A. It was related to water contamination.</p> <p>6 Q. What was that generally just so we have</p> <p>7 identification?</p> <p>8 A. For example, the one I am thinking and</p> <p>9 recalling right now was dealing with fuel issues</p> <p>10 and PCB issues at many sites.</p> <p>11 Q. What sites were they? What was the</p> <p>12 project referred to or the papers?</p> <p>13 A. It was an expert panel on that topic</p> <p>14 that dealt with groundwater contamination by fuel</p> <p>15 compounds as well as PCBs, and that was actually</p> <p>16 across the country along a pipeline that had</p> <p>17 basically stations. And most of the one where the</p> <p>18 issues were the most looked at, if you wish, was</p> <p>19 Pennsylvania. That's what I recall.</p> <p>20 Q. Did it have another location more</p> <p>21 specific than Pennsylvania that it was referred</p> <p>22 to?</p> <p>23 A. There would be many stations within</p> <p>24 Pennsylvania because the pipeline at the level of</p> <p>25 the entire country is basically, you know...</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Have you ever served on any editorial</p> <p>2 boards for any publications?</p> <p>3 A. Not editorial boards.</p> <p>4 Q. Now, remind me again when you first came</p> <p>5 to S.S. Papadopoulos & Associates, the year</p> <p>6 approximately.</p> <p>7 A. That was 1989.</p> <p>8 Q. So you've spent pretty much the entirety</p> <p>9 of your professional career affiliated with S.S.</p> <p>10 Papadopoulos & Associates; is that fair?</p> <p>11 A. As a consultant, that's correct. And</p> <p>12 before that, I was in research more in the</p> <p>13 academic world, if you wish.</p> <p>14 Q. Has all of your work for any issue going</p> <p>15 back as far as you can remember as far as</p> <p>16 compensation for services rendered by yourself</p> <p>17 been through S.S. Papadopoulos? Let me tell you</p> <p>18 why I'm asking that.</p> <p>19 Do you have any other entity that you</p> <p>20 own or affiliated with that has in the past done</p> <p>21 any work related to Camp LeJeune to your</p> <p>22 knowledge, or has it always been through S.S.</p> <p>23 Papadopoulos & Associates?</p> <p>24 MS. O'LEARY: Object to form.</p> <p>25 THE WITNESS: It has always been through</p>

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<p style="text-align: right;">Page 58</p> <p>1 S.S. Papadopoulos & Associates and the Department 2 of Justice. 3 BY MR. DING: 4 Q. So have you done -- let's use, for 5 example, and we'll just talk 50,000 feet on the 6 ATSDR water modeling and health studies at Camp 7 LeJeune. 8 You know that there was a component of 9 it that involved water modeling and then that 10 water modeling component was then utilized on the 11 health side to do some health studies. 12 MS. O'LEARY: Objection to foundation. 13 BY MR. DING: 14 Q. Correct? 15 A. That's my general understanding. 16 Q. Is this the first time you've done any 17 work where you've looked at and reviewed and 18 commented on the water modeling and how it may or 19 may not impact activities on the health side, or 20 is there some other projects you've have worked on 21 in the past that are similar? 22 MS. O'LEARY: Object to form. 23 THE WITNESS: This case, this present 24 case is the first time I was asked to evaluate the 25 results of the ATSDR models both for Tawara</p>	<p style="text-align: right;">Page 60</p> <p>1 ATSDR has brought into the model, especially 2 because there is very little data to predict what 3 happened 35 years ago, 35 years before 1985. And 4 I have reviewed the parameters. I have compared 5 the parameters in the models. I have done that 6 because that's something I do as a geochemist. 7 BY MR. DING: 8 Q. Any comment or opinion about those 9 reviews? 10 MS. O'LEARY: Object to form. 11 BY MR. DING: 12 Q. You personally or do you defer to 13 Dr. Spiliotopoulos? 14 MS. O'LEARY: Object to form. 15 THE WITNESS: I have not run the models. 16 He did. So I have no opinion or comment on that, 17 but I have reviewed. 18 BY MR. DING: 19 Q. Understood. Have you ever, yourself, 20 performed any historical reconstruction or hind 21 casting using any sort of groundwater modeling 22 tools to reconstruct historical mean monthly or 23 concentration data? 24 MS. O'LEARY: Object to form. 25 THE WITNESS: Well, there have been</p>
<p style="text-align: right;">Page 59</p> <p>1 Terrace and Hadnot Point as far as the reliability 2 of the estimated values to be quantitatively used 3 for this case. 4 BY MR. DING: 5 Q. Have you over the past two and a half 6 years rerun any water modeling computer programs 7 to do any water modeling of Camp LeJeune other 8 than what might be identified, disclosed in your 9 report? 10 A. I have not. 11 Q. Do you know anybody at S.S. Papadopoulos 12 & Associates that's done any additional water 13 modeling computer work related to Camp LeJeune at 14 your direction or with your knowledge? 15 A. I know that Dr. Spilotopoulos has 16 basically run the ATSDR model as part of his 17 evaluation of the models. We have two models. He 18 did that. I didn't do that. 19 Q. And do you have any comment about his 20 work on that, or do you defer to him about his 21 work and his opinions about it? 22 MS. O'LEARY: Object to form. 23 THE WITNESS: I have reviewed the model 24 inputs and basically all the materials that are 25 supporting the decisions or the assumptions that</p>	<p style="text-align: right;">Page 61</p> <p>1 cases where a question like that will be asked. I 2 remember one case where I did participate and that 3 was to reconstruct basically some certain 4 chemicals concentration, and that was based on 5 estimates. And I recall having participated to 6 that. And you had data and that was -- that's 7 what I recall. 8 BY MR. DING: 9 Q. Do you remember the name of that project 10 or the client or anything like that? 11 A. I don't remember the details or the 12 client of that, but it was related to uranium 13 mining. 14 Q. Uranium mining? 15 A. That's my recollection. 16 Q. And location? 17 A. I believe it was in New Mexico, that 18 one. 19 Q. And timeframe, if you remember? 20 A. I don't remember the timeframe, but it 21 was maybe 2000. 22 Q. As a result of that work, was a 23 concentration -- reconstructed values calculated 24 using that groundwater modeling work that you 25 participated in?</p>

<p style="text-align: right;">Page 62</p> <p>1 MS. O'LEARY: Object to form and 2 foundation. 3 THE WITNESS: I was doing geochemistry 4 in that, and I do not recall door if there was -- 5 there was no complex monitoring done. It was, you 6 know, more like -- if I recall, it was a very 7 large pile of tailings, and the question was, all 8 right, where does it go from the tailings. 9 BY MR. DING: 10 Q. So go back to my first question and 11 understanding what you just testified to about. 12 Other than Camp LeJeune work, have you 13 ever worked on any other project whose goal was to 14 determine and measure human exposure or dose to 15 toxins and contaminants? 16 A. Right now, I can not really remember 17 specific ones, but as a geochemist, what my 18 expertise is in is to understand the origin, fate 19 and transport of contaminants in the environment. 20 That's what I do basically. That's what I've been 21 doing all my research years and professional 22 years. 23 Q. Have you ever in history utilized and 24 relied upon the ATSDR water modeling results to 25 support any work you've done in any other case or</p>	<p style="text-align: right;">Page 64</p> <p>1 report in some other work in the past. 2 Do you remember what occasions those 3 were? 4 A. I would have to look at it. There was a 5 case that I did work. I don't remember exactly 6 the timing of it, but I believe it's called the 7 Washington case or something like this. And I 8 worked on that. Because it was related to 9 contamination at Camp LeJeune, I probably referred 10 to the ATSDR work. But I had not done a review 11 that I conducted for this as far as reliability of 12 the work for quantitative views of concentrations 13 in the context of this project. 14 Q. We'll call it Washington, and we'll come 15 back to it later in more detail. But you believe 16 it's scientifically valid or you did at the time 17 to cite to a -- cite to this ATSDR water modeling 18 project or refer to it without ever having 19 analyzed whether it was scientifically reliable at 20 the time you relied on it? 21 MS. O'LEARY: Object to form and 22 foundation. 23 THE WITNESS: Me citing to it, if I did, 24 doesn't mean that -- doesn't mean that -- doesn't 25 explain what I have done to review it. I just</p>
<p style="text-align: right;">Page 63</p> <p>1 any other project? 2 MS. O'LEARY: Object to form. 3 THE WITNESS: Could you repeat the 4 question? I missed the first part. 5 BY MR. DING: 6 Q. Have you in any other historical 7 activities prior to August of '22 ever utilized 8 and relied upon the ATSDR water modeling chapters, 9 conclusions and work to do work in some other 10 matter? 11 A. In other cases and this case, the ATSDR 12 models were used by others. I was not tasked to 13 review the model. And I may have cited to what 14 ATSDR has done at the time without having had done 15 what I have done for the purpose of this 16 particular case, which was to evaluate whether or 17 not the values or the estimated values that ATSDR 18 is presenting with the model could be 19 quantitatively reliable to provide concentrations 20 of the chemical of concern in this case over a 21 long period of time. 22 Q. So go back to my question. My 23 question -- I'll ask it a little different, 24 because you seem to affirmatively say you've 25 referred to it in the past and maybe cited to the</p>	<p style="text-align: right;">Page 65</p> <p>1 mention that it does exist. 2 BY MR. DING: 3 Q. But you believe in the context of an 4 expert witness it's okay for you to cite to, refer 5 to, rely upon the ATSDR water modeling in this 6 prior activity without knowing whether or not at 7 that time it was scientifically reliable? 8 MS. O'LEARY: Object to form and 9 foundation. 10 THE WITNESS: It all depends what is the 11 task and the purpose of the citation. 12 BY MR. DING: 13 Q. Well, did you at the time -- who 14 retained you in the Washington case? 15 A. As I recall, it was the Department of 16 Justice. 17 Q. Mr. Bain was your contact at that time? 18 A. Probably. 19 Q. Did you recommend in that case the need 20 to analyze the model in order for you to provide a 21 scientifically reliable opinion in the Washington 22 case? 23 A. Without seeing the report to refresh my 24 memory, I don't know. 25 Q. As you sit there -- I'll show you the</p>

<p style="text-align: right;">Page 66</p> <p>1 report later on -- you don't remember advising 2 Mr. Bain at the Department of Justice the need for 3 you to do a deep dive into analyzing the model at 4 the time you were referring to it back then as 5 best you remember right now? 6 A. Again, I will have to see the report. 7 (Hennet Exhibit 4 was marked.) 8 MR. DING: For the record, I've handed 9 the witness Exhibit 4, which are the billing 10 records, I believe it's around 42 pages or 11 thereabouts, received a week and a half ago and 12 I've also supplemented Exhibit 4 and added the 13 additional bill we received last night for 14 February of 2025, so the record is clear. Okay? 15 BY MR. DING: 16 Q. I understand, obviously, March is not 17 over with, so the March bill, invoice, time 18 records, those haven't been finalized; correct? 19 A. Yes. 20 Q. Now, a couple things I want to ask you 21 about on these Exhibit 4 billing records. Take a 22 look at the first page. In the top right-hand 23 corner, it says the project name DOJ_CL_2022. 24 Do you see that? 25 A. I see that.</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. O'LEARY: Object to foundation. 2 BY MR. DING: 3 Q. Because you assumed they already had it? 4 MS. O'LEARY: Object to foundation. 5 THE WITNESS: I do not know. 6 BY MR. DING: 7 Q. Under the comments on the left side 8 there a little further down, it says DJ File 9 Number. What does DJ stand for? 10 A. I am not sure. I do not know. Again, 11 it is admin. 12 Q. Then it says DOJ contract 13 #2W-CIV-03-0513. Do you see that? 14 A. I see that. 15 Q. Is there a written contract of some sort 16 that that contract number is referred to that's in 17 possession of you or S.S. Papadopoulos & 18 Associates' records? 19 A. Probably. 20 Q. Did you gather that contract and provide 21 it in response to the subpoena and provide that 22 contract to the Department of Justice to produce 23 to me? 24 A. My understanding is if it's contract 25 with the Department of Justice as you describe it,</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And that's what you referred to as the 2 project name for your and the S.S. Papadopoulos 3 work on the Camp LeJeune litigation since '22? 4 A. That's an internal name. 5 Q. Project number is 1817. And then it 6 refers to a PO number. What does that mean? What 7 does PO number mean? 8 A. I guess it's a project order number. 9 This number is probably from the DOJ. I do not do 10 admin. So that's what I would guess. 11 Q. Is it a purchase order number? 12 A. I believe that would be right, yes. 13 Q. Is there a document that's referred to 14 as a purchase order that's got this number on it 15 somewhere that ends in 502? 16 A. Personally I don't know, but it must be 17 because it is written here. 18 Q. And did you gather that document and 19 provide it to the Department of Justice? 20 A. If it comes from the Department of 21 Justice, I must have it. Personally, I do not to 22 admin. 23 Q. So you didn't and you don't believe 24 admin sent that purchase order over to the 25 Department of Justice in response to the subpoena?</p>	<p style="text-align: right;">Page 69</p> <p>1 the Department of Justice has it. 2 Q. Again, I agree with you. You didn't, 3 however, in response to the subpoena supply that 4 document to the Department of Justice because you 5 assumed they had it and would produce it if 6 needed? 7 MS. O'LEARY: Object to foundation. 8 BY MR. DING: 9 Q. Is that fair? 10 A. That would have been through admin, and 11 I don't do admin. 12 Q. Now, if we look down below this on the 13 first page -- and if you want to, you can glance 14 through -- we'll look at a few pages together. 15 How about we just do it that way. 16 Do you see it says Professional 17 Services, and under Employee Type there's some 18 positions, for example, senior principal, but 19 there's no names, specific names? 20 A. I see that. 21 Q. And you told me earlier, as best you 22 know, you're the only senior principal. So when 23 it refers to senior principal, that would be 24 Dr. Hennet? 25 A. That's my understanding, yes.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. And it says two hours. We don't know 2 what you did for two hours looking at this 3 document, but you did key in on a computer, 4 timekeeping computer program what you did for 5 those two hours? 6 MS. O'LEARY: Object to foundation. 7 THE WITNESS: Well, maybe, maybe not, 8 because it's not done always the same way. And my 9 recollections is our accounting system or the way 10 we enter time has been basically changed or 11 upgraded. It appears to be upgraded relatively 12 frequently. So I don't remember the situation 13 then. 14 BY MR. DING: 15 Q. Does Papadopoulos & Associates send this 16 one-page invoice that you see on Exhibit 4, that 17 first page, because the second page is for a 18 different month. Do you see that? The one on the 19 back of the first page is a different month. So 20 the one ending 9/21/22 is just a single page 21 ending in Bates-stamp CLJA_SSPA_INVOICES_1. Do 22 you see that? 23 A. You have to help me here. 24 Q. Do you see that the invoice is a single 25 page for the Bates-stamp that I provided?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I can read that, yes. 2 Q. Is this one-page invoice the only thing 3 that is sent to the Department of Justice for 4 payment of this invoice, or does it have 5 attachments when it goes that itemizes the time 6 that's shown on the summary? 7 A. I don't know. 8 Q. Who would know that? 9 A. Admin. 10 Q. The Department of Justice receiving this 11 invoice would also know that, wouldn't they? 12 A. I don't know. 13 MS. O'LEARY: Object to foundation. 14 BY MR. DING: 15 Q. Do you understand it's your obligation 16 as an expert as part of the federal rules to 17 specifically provide open and complete information 18 about your billing in a case like this? Are you 19 aware of that? 20 MS. O'LEARY: Object to form and 21 foundation. 22 THE WITNESS: This is administrative. 23 BY MR. DING: 24 Q. I'm asking you are you familiar with 25 what's called Rule 26 and an expert's obligation</p>
<p style="text-align: right;">Page 71</p> <p>1 MS. O'LEARY: You're on the first page 2 of Exhibit 4? 3 MR. DING: Yes. 4 BY MR. DING: 5 Q. Exhibit 4, page one is a single-page 6 invoice? 7 MS. O'LEARY: Object to foundation. 8 THE WITNESS: This is a single-page 9 document. 10 BY MR. DING: 11 Q. Is that for the month -- it's dated 9/21 12 and it says it's for services rendered through 13 August 31, 2022. Do you see that? 14 A. I see that in the middle there, yes. 15 Q. And this is the first invoice you and I 16 are looking at that I have; correct? 17 MS. O'LEARY: Object to foundation. 18 THE WITNESS: I will take your word for 19 it. 20 BY MR. DING: 21 Q. Do you know whether or not when this 22 invoice -- it says it's being -- the client and 23 the address there at the top left is Branch Chief, 24 Finance and Accounting under U.S. Department of 25 Justice. Do you see that, and an address, PO box?</p>	<p style="text-align: right;">Page 73</p> <p>1 to provide open and detailed billing records in 2 litigation? 3 MS. O'LEARY: Object to form and 4 foundation. 5 BY MR. DING: 6 Q. Are you aware of that? 7 A. I am generally aware of Rule 26, but 8 specifically -- but, you know, my firm gets a 9 contract with the Department of Justice. I don't 10 do the billing. So I don't know if it has one 11 page, two pages or 20 pages. I do not know that. 12 Q. Would you agree with me it's your 13 obligation, all experts' obligations to provide as 14 much detail and all information about their 15 compensation and billing to the opposing side in 16 response to what we refer to and you refer to as 17 Rule 26? 18 MS. O'LEARY: Object to foundation. 19 THE WITNESS: I do not know. We do 20 abide by everything because when you work with the 21 Department of Justice, you have to abide by 22 everything, and we do. 23 BY MR. DING: 24 Q. Now, if you look through these invoices 25 or this one page, it says the initial budget at</p>

<p style="text-align: right;">Page 74</p> <p>1 the bottom left-hand corner was \$100,000. 2 Do you see that? 3 A. I do. 4 Q. And then if you flip through it to the 5 invoice that's Bates-stamped page 6, so there will 6 be a 6 at the end of the page, do you see that the 7 behind casting changed 611,664? Do you see that? 8 A. Where is it on the page? 9 Q. Bottom left, Project Summary. 10 A. Yes. I do see that. 11 Q. Do you remember and can you tell me why 12 it went from a \$100,000 budget to a budget of 13 \$611,664? 14 A. I don't recall the details of it, but 15 this is typical of a project like this. The first 16 phase is to evaluate, to do a first evaluation of 17 an understanding what the cases is about, do a 18 first evaluation of certain aspect of it. And I 19 am typically required or requested, if you wish, 20 to provide an estimate of how much it would cost 21 to provide services. 22 And I do a best estimate by saying I 23 would need a team to do this because I cannot do 24 it all by myself. It's too many documents, too 25 much to do. And then I provide my best estimate</p>	<p style="text-align: right;">Page 76</p> <p>1 \$611,664? 2 A. I do not know the detail for this 3 particular thing, but there is an estimate 4 somewhere. And I am typically the one who would 5 do such an estimate. 6 Q. And does the process work you send the 7 estimate over to the Department of Justice and 8 they approve or sign off on it and then you 9 proceed with whatever work that's been authorized? 10 A. It's a budget request, and it is 11 evaluated. And then if it was approved, we 12 probably get a green light that it is approved. 13 And then we'll probably have a meeting to explain 14 what we thought should be done. And that's the 15 way it works for most cases like this. 16 Q. Now, turn to page 19. 17 A. By that you mean the Bates number? 18 Q. Yes, sir. Do you see at the bottom of 19 the Bates-stamped page 19 the budget under Project 20 Summary on the left at the bottom says \$611,664? 21 A. I see that. 22 Q. Turn to the next page, 20. And does it 23 reflect that the budget is changed between 24 November and December of '23 to a budget an 25 approved budget of the \$1,216,284?</p>
<p style="text-align: right;">Page 75</p> <p>1 of how much it would cost. 2 Q. To do XYZ? 3 A. To do the project up to a certain -- 4 typically it's what will it cost for a year, for 5 example. 6 Q. Is there a document that you use to 7 provide that estimate? Is it called a budget, or 8 is it called something else? 9 A. It is my budget estimate, and that's 10 what my budget estimate is and I believe -- 11 Q. How do you transmit that budget estimate 12 to the Department of Justice for approval? Is it 13 a letter? Is it email? Is it a report? Is it a 14 budget? What do you remember refer to it as? 15 A. I do not recall about this one in 16 particular. I do not recall how it was that. But 17 obviously, it was transmitted to the DOJ whether 18 by phone or by -- in some manner. Again, I do the 19 budget estimate. 20 Q. I think we've got enough here on this 21 issue. Then I'll move on. You don't remember 22 specifically the mode of the transfer of the 23 information, whether it went from accounting, 24 whether was a formal budget document, an email or 25 a phone call, to provide the budget estimate of</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I see that. 2 Q. If you turn to page 25, Bates-stamped 3 page 25, bottom left has that budget now in March 4 of '24 increased to \$1,466,224? 5 A. I see that. 6 MS. O'LEARY: Object to foundation. 7 BY MR. DING: 8 Q. If you flip to page 33 or Bates-stamped 9 page 33. Let me know when you're there. 10 A. I see that, yes. 11 Q. Under the Project Summary, column left 12 has the budget now increased in September of 13 \$1,716,284? 14 A. I see that. 15 Q. If you turn to the top of page 16 Bates-stamp page 37, on December 23, 2024, do you 17 see under the column Budget on page 37 or 18 Bates-stamped 37, the budget has increased to 19 \$1,966,284? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: I see that. 22 BY MR. DING: 23 Q. And that was approved by the Department 24 of Justice at some point in time; right? 25 A. I suppose so.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. If you turn to be Bates-stamped page 40.</p> <p>2 A. I am there.</p> <p>3 Q. On January 17, 2025, invoice No. 27034</p> <p>4 at the top of the page Bates-stamp 40, did the</p> <p>5 budget increase to 2,216,275.50?</p> <p>6 A. I see that.</p> <p>7 Q. And if you turn to the supplemental</p> <p>8 Bates-stamp and Allison, I don't know how you want</p> <p>9 me to refer to it. I made it as one exhibit. I</p> <p>10 don't know if you're going to Bates-stamp it 43.</p> <p>11 MS. O'LEARY: Can you refer to it by the</p> <p>12 invoice number at the top?</p> <p>13 MR. DING: I can do that.</p> <p>14 BY MR. DING:</p> <p>15 Q. The last page of Exhibit 4, the</p> <p>16 invoices, I received last night invoices 27513,</p> <p>17 and it's dated March 19, 2025. Do you see that on</p> <p>18 the first page?</p> <p>19 A. I see that. That's a loose page.</p> <p>20 Q. Yes, sir.</p> <p>21 A. It's not bound with Exhibit 4.</p> <p>22 Q. Well, it is part of Exhibit 4 for the</p> <p>23 record. I made it a part of it. It just doesn't</p> <p>24 have a Bates-stamp because Ms. O'Leary just</p> <p>25 provided it to me last night.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Have you had any discussions with anyone</p> <p>2 about the needs for a future budget approval</p> <p>3 moving forward from today if this budget is used</p> <p>4 up this month?</p> <p>5 A. I have not talked to anyone about that.</p> <p>6 Q. And you've not prepared anything about</p> <p>7 that?</p> <p>8 A. I have not prepared anything about that.</p> <p>9 (Hennet Exhibit 5 was marked.)</p> <p>10 BY MR. DING:</p> <p>11 Q. I hand you what I marked as Exhibit 5,</p> <p>12 and I'll tell you this for the record. Exhibit 5</p> <p>13 I had to print it on larger paper so you and I --</p> <p>14 with my advanced age, I couldn't see it on eight</p> <p>15 and a half by 11. So I had to print it on larger</p> <p>16 paper. Okay?</p> <p>17 Are you familiar with a website known as</p> <p>18 USASpending.gov maintained by the federal</p> <p>19 government of the United States of America?</p> <p>20 A. I am not.</p> <p>21 Q. Do you see on Exhibit 5, the first page</p> <p>22 at the very top it says Active Filters. It says</p> <p>23 EPA -- it identifies the recipient as S.S.</p> <p>24 Papadopoulos & Associates, Inc. Do you see that?</p> <p>25 A. I see that.</p>
<p style="text-align: right;">Page 79</p> <p>1 MR. DING: We'll supplement it with the</p> <p>2 correct Bates-stamp once we get it. We'll</p> <p>3 supplement with Exhibit 4, if that's fair.</p> <p>4 MS. O'LEARY: That seems fine.</p> <p>5 BY MR. DING:</p> <p>6 Q. On the back of invoice 27513, it still</p> <p>7 reflects a budget of 2,216,275.50.</p> <p>8 Do you see that?</p> <p>9 A. I do see that.</p> <p>10 Q. And it says that the budget remaining is</p> <p>11 only \$171,667.59. Do you see that?</p> <p>12 A. I see that.</p> <p>13 Q. And this does not account for the work</p> <p>14 done in March by you, Mr. Spilotopoulos and any</p> <p>15 others that might have been working in March.</p> <p>16 That will come out of that remaining budget once</p> <p>17 we get the next invoice; right?</p> <p>18 A. That's my understanding.</p> <p>19 Q. So my question to you to end this area</p> <p>20 of the deposition is: Have you prepared a budget</p> <p>21 estimate and provided it to the Department of</p> <p>22 Justice to provide for additional funding and/or</p> <p>23 budget for your work after this month?</p> <p>24 A. I've not done so because we still have</p> <p>25 money.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. And then down in the center, it gives</p> <p>2 you a prime award ID number, and there's about, I</p> <p>3 don't know, six or eight listed there. And out</p> <p>4 beside that is the recipient's name, S.S.</p> <p>5 Papadopoulos & Associates. And then the</p> <p>6 obligations are listed there in dollars and cents.</p> <p>7 Do you see that column?</p> <p>8 A. I see that column.</p> <p>9 Q. Then there's some tabs you can click on.</p> <p>10 It talks about contract IDD's, grants, direct</p> <p>11 payments, loans and other.</p> <p>12 Do you see those other tabs?</p> <p>13 A. No, I did not.</p> <p>14 Q. Although they're hidden, you see the</p> <p>15 little tabs beside the contracts?</p> <p>16 A. Okay. Right on top there, yes.</p> <p>17 Q. If you turn to the second page on this</p> <p>18 USASpending.gov federal government website, do you</p> <p>19 see the awarding agency in the topic left-hand</p> <p>20 corner, it says Department of Defense and</p> <p>21 recipients is S.S. Papadopoulos & Associates? Do</p> <p>22 you see that?</p> <p>23 A. I see that.</p> <p>24 Q. Do you see the purchase order referenced</p> <p>25 there is just above that is listed as</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 W912DW11P0056? Do you see that?</p> <p>2 A. I see that.</p> <p>3 Q. And over on the right corner of that</p> <p>4 first block, do you see the start date of that</p> <p>5 contract was February 16, 2011?</p> <p>6 A. I see that.</p> <p>7 Q. And this was for \$40,000. Do you see</p> <p>8 that?</p> <p>9 A. Where is that?</p> <p>10 Q. In the center there it says Current</p> <p>11 Award Amount. Do you see that, \$40,000 potential</p> <p>12 award amount?</p> <p>13 A. I see that.</p> <p>14 Q. And if you keep going down under the</p> <p>15 Award History, you see Action Date of 2/24/11.</p> <p>16 Amount is 40,000. To the right of that, it says</p> <p>17 Transaction Description: MODFLOW Model</p> <p>18 Recalibration.</p> <p>19 A. I see that.</p> <p>20 Q. Do you know what this work was for for</p> <p>21 the Department of Defense that's being referred to</p> <p>22 there in 2011?</p> <p>23 A. I do not. I had nothing to do with</p> <p>24 this.</p> <p>25 Q. Do you know what location someone at</p>	<p style="text-align: right;">Page 84</p> <p>1 first one listed there of 9/18/2009 for 22,000?</p> <p>2 A. I see that.</p> <p>3 Q. To put in context just for dates, Tawara</p> <p>4 Terrace report by ATSDR was released in 2007;</p> <p>5 correct?</p> <p>6 A. I believe it's correct.</p> <p>7 Q. And the National Academy of Science</p> <p>8 released an alleged review of that report in July,</p> <p>9 I believe, or August of 2009. Do you remember</p> <p>10 that? I'm not going to hold you to the specific</p> <p>11 date. But the National Academy of Science</p> <p>12 released an alleged review of the ATSDR report in</p> <p>13 the summer of 2009.</p> <p>14 MS. O'LEARY: Object to form.</p> <p>15 THE WITNESS: I will take your word for</p> <p>16 it.</p> <p>17 BY MR. DING:</p> <p>18 Q. Do you see -- who is Howard Hanson?</p> <p>19 Excuse me. Not who. Where is Howard Hanson Dam?</p> <p>20 A. Howard Hanson? Where is that?</p> <p>21 Q. In the center of the webpage or the</p> <p>22 document, out beside 9/18/2009 and 22,000, it says</p> <p>23 groundwater model. Independent technical review,</p> <p>24 ITR, right the abutment integrity, Howard Hanson</p> <p>25 Dam. Do you see that?</p>
<p style="text-align: right;">Page 83</p> <p>1 S.S. Papadopoulos was working on in order to do</p> <p>2 some MODFLOW model recalibration work?</p> <p>3 A. I do not.</p> <p>4 Q. Turn to the next page of Exhibit 5,</p> <p>5 third page I think it is. Do you see the top</p> <p>6 left-hand corner there's a new purchase order</p> <p>7 number listed there of W912DW09P0253? Do you see</p> <p>8 that?</p> <p>9 A. I see that.</p> <p>10 Q. And the awarding agency is the</p> <p>11 Department of Defense. Do you see that?</p> <p>12 A. I see that.</p> <p>13 Q. The start date of the project was</p> <p>14 September 18, 2009.</p> <p>15 A. I see that.</p> <p>16 Q. The amount that was obligated or</p> <p>17 potential award amount was \$66,500. Do you see</p> <p>18 that?</p> <p>19 A. I see that.</p> <p>20 Q. By the way, if you go back to the top</p> <p>21 out to the right, far right of the purchase order</p> <p>22 number, does it show the word "Completed"?</p> <p>23 A. I see that.</p> <p>24 Q. Now, if you go to the section under the</p> <p>25 Award History, do you see the Action Date, the</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I see that.</p> <p>2 Q. Do you know what that's referring to and</p> <p>3 were you involved?</p> <p>4 A. I was not involved.</p> <p>5 Q. And you don't know what it's referring</p> <p>6 to?</p> <p>7 A. I do not know what it is referring to.</p> <p>8 Q. Turn to the next page. I guess we're</p> <p>9 now on page 4; right?</p> <p>10 A. You are right.</p> <p>11 Q. Do you see the purchase order at the top</p> <p>12 is 15JCIV22P502?</p> <p>13 A. I see that.</p> <p>14 Q. And out to the right, it says in</p> <p>15 progress. 9 months remaining.</p> <p>16 A. It says "Nine months remain."</p> <p>17 Q. Excuse me. "Nine months remain." Do</p> <p>18 you see that?</p> <p>19 A. I see that.</p> <p>20 Q. And it shows the start date of this</p> <p>21 contract with the Department of Justice as the</p> <p>22 awarding agency was July 21, 2022.</p> <p>23 Do you see that, top right-hand corner?</p> <p>24 A. I see that.</p> <p>25 Q. Now, that purchase order number ending</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 in 502, would you go back and look at Exhibit 4 2 and tell me if that's not the exact same purchase 3 order in your very first invoice number 1? 4 On exhibit, 4 Bates-stamped first page 5 1, up in the topic right-hand corner, it says PO 6 Number. That is the exact same number I just read 7 you to ending in 502 that is on page 4 of 8 Exhibit 5; is it not? 9 A. Both numbers or whatever codes are the 10 same. 11 Q. Thank you. Now, does it show in this 12 Award Amounts that the obligated amount currently 13 is 2.2 million? Do you see that? 14 MS. O'LEARY: Are we back on Exhibit 5? 15 MR. DING: I'm sorry. Exhibit 5. 16 BY MR. DING: 17 Q. Back on Exhibit 5 on page 4, the 18 Department of Justice purchase order page, does it 19 show that the current award amount is the 20 2.2 million? 21 A. Yes. I see that. 22 Q. And that number under Potential Award 23 Amount several lines down, do you see it's 24 2,216,275.50, and that's consistent with the very 25 last page of invoices that we reviewed from</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Now, if you scroll over to the right 2 under Action Type, does it say Change Order out 3 beside the one that says P1? 4 A. It says that D column Change Order. 5 Q. Is the change order the estimation 6 document you referred to earlier that's sent over 7 Department of Justice to get approval for 8 additional work, or is that a different document? 9 MS. O'LEARY: Object to foundation. 10 A. I believe it must be similar or the 11 same. I don't know. 12 Q. Who would know that? Someone in your 13 office, admin, or the Department of Justice? 14 A. I personally do not know if this is what 15 you say it is or not. 16 Q. Turn to the next page. If you want to 17 take a break now and then come back to the 18 exhibit, that's fine with me. I may have more 19 than five minutes left on these last two pages. 20 A. Take a break now. 21 Q. That's fine. Go off the record. 22 A. Coffee is working. 23 Q. Yes, sir. Understood. 24 THE VIDEOGRAPHER: We are off the record 25 at 1123.</p>
<p style="text-align: right;">Page 87</p> <p>1 Exhibit 4. The March invoice I received last 2 night has the same number. Do you agree with 3 that? 4 MS. O'LEARY: Object to form, just to 5 clarify what you mean by March and February. 6 MR. DING: The March I received last 7 night dated March 19, 2025. 8 THE WITNESS: I see that. Those numbers 9 are the same. 10 BY MR. DING: 11 Q. Now, under the Award History -- 12 A. By the way, when we are done with this, 13 I would like to take a break. 14 Q. Yes, sir, no problem. We'll be there 15 very soon. 16 Under the Award History, you see that 17 first entry modification, it says zero at the 18 first line there. And then it's got an Action 19 Date 7/21/2022 and \$100,000. Are you with me? 20 A. I'm with you. 21 Q. Then there's a modification number. The 22 first one says P1. If you look under it, there's 23 additional P1, P2, 3, 4, P5 and 6. Do you see 24 that? 25 A. I do see that.</p>	<p style="text-align: right;">Page 89</p> <p>1 (Recess from 11:23 a.m. to 11:32 a.m.) 2 THE VIDEOGRAPHER: We are on the record 3 at 1132. 4 BY MR. DEAN: 5 Q. Dr. Hennet, we've been going for about a 6 couple hours, a little over two hours. We had a 7 couple breaks during the day. 8 Have you discussed -- had any 9 discussions with the Department of Justice lawyers 10 at all? 11 A. We just chatted on things that have 12 nothing to do with the deposition. 13 Q. Thank you. Now, if you turn to, for the 14 record, page 5, the last two pages -- this is a 15 six-page document -- the last two pages, 5 and 6, 16 do you see recipient is identified at the top as 17 Papadopoulos & Associates, Inc.? 18 A. I'm confused about what is 6 because the 19 last two pages or double sided. 20 Q. Yes, sir. 21 A. And you say the last two. So is this 22 one or this one? 23 Q. I'm sorry. Good point. We'll just stay 24 on that page 5 for right now. Do you see on page 25 5 at the top it says Recipient under the Active</p>

<p style="text-align: right;">Page 90</p> <p>1 Filter is S.S. Papadopoulos & Associates do you see 2 that? 3 A. I see that. 4 Q. And do you see that in the center of the 5 page there, and it's the tap that's opened says 6 Contracts, and then it says Prime Award ID under 7 that? 8 A. I see that. 9 Q. And you see from there all the way to 10 the bottom of page 5, there's a list of different 11 award IDs for different contracts, and out beside 12 that is S.S. Papadopoulos & Associates and an 13 obligated amount? Do you see that? 14 A. It says Obligations. 15 Q. Thank you. It says obligations and then 16 under that is Amounts; right? 17 A. I see that. 18 Q. If you turn to page 6, the next page, 19 the contracts continue with the same information 20 we had on page 5. Do you see that? 21 A. It appears to be a continuation of page 22 5. 23 Q. If you go to page 7, do you see the same 24 where it lists the awarding agency as the 25 Department of Justice, the recipient, S.S.</p>	<p style="text-align: right;">Page 92</p> <p>1 Exhibit 6. For the record, Exhibit 6 is an Excel 2 spreadsheet created by my office after clicking on 3 all of those contracts on all of pages that you 4 and I just went the over on Exhibit 5, and if you 5 see I've added the award ID number at the top. 6 I've added the column for Total Obligated Amount. 7 I've added the Award Date that's listed in the 8 government's database on USASpending.gov. I've 9 added the Period of Performance start date column 10 and the end date, the Awarding Agency and the 11 Funding Agency, and they're all listed as 12 Papadopoulos & Associates. 13 Do you see that Excel spreadsheet that I 14 created? 15 A. I see the Excel spreadsheet. I didn't 16 really follow everything you said. 17 Q. I understand. I'm just laying what 18 lawyers call a foundation so understand where this 19 document came from. I created it based on the 20 information that's on the website for the 21 USASpending.gov. 22 Do you see that? 23 A. Right here I have no possibility to 24 check that. 25 Q. I understand that. I'm representing to</p>
<p style="text-align: right;">Page 91</p> <p>1 Papadopoulos & Associates up at that top as far as 2 active filters? Do you see that? 3 A. I see that. 4 Q. And on page 7 you see a list of awards, 5 prime awards for contracts with the Department of 6 Justice with the recipient S.S. Papadopoulos & 7 Associates, and then there's an amount over in the 8 Obligations section next to each one of those 9 contracts? Do you see that? 10 A. Yes. To make sure, page 7 is the one 11 before the last? 12 Q. Yes, sir. As a matter of fact, the very 13 first one listed there is that same one that we're 14 here about, which is our case, the award ID is 15 identified as 15JCIV22P502, which is the name 16 number you and I have looked at on the invoices 17 for your work on this litigation; right? 18 A. It appears to be the same number, yes. 19 Q. And the obligated amount are lining up 20 as the \$2,216,275.50; right? 21 A. That to my recollection is the same 22 amount, yes. 23 (Hennet Exhibit 6 was marked.) 24 BY MR. DEAN: 25 Q. Now, I'll show you what I've marked as</p>	<p style="text-align: right;">Page 93</p> <p>1 you that the information on Exhibit 6 came from 2 the information on the website shown on Exhibit 5. 3 Okay? 4 A. Okay. 5 Q. Now, do you remember me asking you about 6 when you started doing work on this case? Excuse 7 me. 8 Do you remember me asking you about when 9 you started doing any work associated with Camp 10 LeJeune? 11 A. I believe you asked me a question like 12 that. 13 Q. And you told me something along the 14 lines you couldn't remember the exact date, but it 15 was sometime you thought in 2005. 16 A. Approximately, yes. 17 Q. If you look at the second entry there, 18 do you see the one that ends in 66 in the first 19 yellow mark, Obligated Amount was \$45,634.10 and 20 it said the period of performance start date was 21 11/30/2005 and that the awarding agency is the 22 Department of Justice? 23 A. I see that. 24 Q. And does that sort of refresh your 25 recollection about the approximate timeframe of</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 starting to do work with Papadopoulos & Associates 2 at Camp LeJeune somewhere in November of 2005? 3 MS. O'LEARY: Object to foundation. 4 THE WITNESS: I have no clue if this 5 represents work done at Camp LeJeune or not. 6 7 (Questions on Exhibit 7 bound separately.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. And if you total up -- before we go 2 there, the one for the Department of Justice that 3 we've been talking about, the last invoice page 4 number, Exhibit 4, remember we talked about there 5 was a \$2,200,000 budget and we had used up about 6 1.9, and there was 178,000 or thereabouts left 7 over. Do you remember that? 8 A. I remember that if that's what you are 9 talking about, the last page of Exhibit 4. 10 Q. If you turn over to page 2 of my 11 Exhibit 6, about the sixth entry there is where 12 the 15JCIV22P502 purchase order is listed and it's 13 got that amount we've been talking about, 14 2,216,275.50. Do you see that? 15 A. I see that. 16 Q. The \$2,216,275.50 is money that 17 Department of Justice has paid your firm or is 18 obligated potentially with a budget from July of 19 '22 to present? 20 A. That's my understanding. 21 Q. However, we know that the Department of 22 Justice and yourself started doing some work at 23 Camp LeJeune, like we've already discussed, 24 beginning in 2005; right? 25 A. Yes. Whether it began in 2005, about.</p>
<p style="text-align: right;">Page 99</p> <p>1 2 BY MR. DEAN: 3 Q. Now, going back to Exhibit 6, the Excel 4 spreadsheet that I prepared and that first one 5 first yellow entry that you and I were just 6 talking about, does that now refresh your 7 recollection that the \$45,634.10 under that award 8 ID DJJ6WENR010066, showing the awarding agency 9 Department of Justice and the recipient as S.S. 10 Papadopoulos & Associates is the project for which 11 you first began working at Camp LeJeune in 12 November 2005 more likely than not? 13 MS. O'LEARY: Object to foundation. 14 THE WITNESS: I don't know. It could 15 be. I don't know. 16 BY MR. DEAN: 17 Q. Fine. If we go down, and I'm not going 18 to go into every single one of these, but do you 19 see a number of entries between 2005 and all the 20 way on the backside -- if you turn it over, you'll 21 see more entries that go through -- the last one 22 is listed as ending in 49 for \$494,846 for some 23 work for the EPA with a start date of 9/30/2024? 24 Do you see that? 25 A. I see that.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Not a specific date. There are amounts 2 there for the Department of Justice listed for 3 contracts, 45,634. We can go to the next one. It 4 says 40,000. It was 2007 work. Skip the next 5 one, it was EPA, and we go to some work that was 6 done for the Department of Justice in February of 7 2009. That had a \$440,096 payment, do you see 8 that, or obligation? 9 MS. O'LEARY: Object to foundation. 10 THE WITNESS: I see that. 11 BY MR. DEAN: 12 Q. So the point I'm making, and you'll 13 probably agree now that we've gone through this, 14 the amount the Department of Justice has paid 15 Papadopoulos & Associates for all of its work at 16 Camp LeJeune since 2005 is an amount in excess of 17 the current obligated \$2,216,275.50. Can we agree 18 on that? 19 A. I do not agree in the sense that not at 20 all of the Department of Justice cases we're 21 talking about here have to do with Camp LeJeune. 22 Q. I don't disagree with that. But some of 23 these invoices and contracts, were they to be 24 produced, would show us, for example that very 25 first one, the 45,634.10 for the November 2005</p>

25 (Pages 94, 99, 100, 101)

<p style="text-align: right;">Page 102</p> <p>1 work, it would show some of these that would be 2 work at Camp LeJeune more likely than not; 3 correct? 4 MS. O'LEARY: Object to foundation. 5 THE WITNESS: I don't know. I don't to 6 admin, but probably. 7 BY MR. DEAN: 8 Q. Now, if you turn to the second page, 9 just to finish up this line of questions, do you 10 see that all of the total obligated contracts that 11 are listed on my exhibit that I received the 12 information from USASpending.gov, part of the 13 federal government's website, shows that of all of 14 these agencies, Department of Justice, the EPA, 15 General Services Admission, Department of Energy, 16 are currently or in the past with a potential 17 total value of awards to your company of 18 \$137,244,621.84 if my math is correct in column 3 19 on the second page? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: If your interpretation is 22 correct. My understanding is that does include -- 23 most of those are not litigation projects. I am 24 not involved, but I know that we work for the 25 Hanford site, for example. And I know that we</p>	<p style="text-align: right;">Page 104</p> <p>1 I do well as well. Like every employee, we all 2 participate. But I want to make one correction 3 here. A potential award is not the same as 4 basically what was actually done. 5 BY MR. DEAN: 6 Q. Understood. 7 A. And I'm not finished. And the potential 8 award sometimes in some of those projects, not the 9 one that I have been involved in, includes 10 subcontracts that can be substantial because -- 11 that's all I can say about that because I don't 12 know the details of all of those contracts. 13 (Hennet Exhibit 8 was marked.) 14 BY MR. DEAN: 15 Q. Understood. I'm going to show you 16 Exhibit 8. I'm going to represent to you this is 17 the metadata from the billing production in this 18 case from you, and you see it indicates there the 19 Bates number is CLJA_SSPA_INVOICES_1 through 42. 20 Do you see that? 21 A. At the bottom there I see that. 22 Q. You see the file name for this 23 particular file was named by somebody 1817 24 invoices through 11125 without backup.pdf. 25 Do you see that.</p>
<p style="text-align: right;">Page 103</p> <p>1 work for EPA Region V. I am not involved. I know 2 that we do work for the government. 3 And over the yours, it has been maybe in 4 the 10, 15 percent of the business that my company 5 performs service for. I personally am only 6 involved in a subset of those, and that would be 7 through the Department of Justice. 8 BY MR. DEAN: 9 Q. So let me finish this up with this 10 question. The total amount that's paid out for 11 all of those various contracts that you just 12 mentioned that has a potential subtotal award of 13 \$137,244.621.84, as a shareholder, you would 14 financially benefit at some potential percentage, 15 whatever your share interest is, with whatever 16 those government contracts are that are paid by 17 these different agencies, including the Department 18 of Justice? 19 MS. O'LEARY: Object to foundation. 20 BY MR. DEAN: 21 Q. Whether you were involved that the 22 project or not, you would personally financially 23 benefit from all these projects; correct? 24 MS. O'LEARY: Same objection. 25 THE WITNESS: If the company does well,</p>	<p style="text-align: right;">Page 105</p> <p>1 A. I see that that. 2 Q. What does backup mean? 3 MS. O'LEARY: Object to foundation. 4 THE WITNESS: I don't want to speculate, 5 but it seems that -- I don't know what it means. 6 It may be reflecting some notes. For example, if 7 I enter -- today I will enter in my time sheet 8 eight hours, whatever it is, and say deposition or 9 something like that. 10 BY MR. DEAN: 11 Q. You're not a computer person nor admin 12 person at the office, but someone would have those 13 backup records indicating what work was being done 14 and when that serve to create those invoices that 15 I previously showed you? 16 A. I suppose so, yes. 17 (Hennet Exhibit 9 was marked.) 18 BY MR. DEAN: 19 Q. I'm going to show you Exhibit 9. 20 Exhibit 9, you see that it's a January 2010 21 publication from the United States Department of 22 Justice, Executive Office for Attorneys. Further 23 down, it appears to be some sort of a bulletin, 24 United States Attorneys bulletins of some sort. 25 Do you see that?</p>

26 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 MS. O'LEARY: Object to foundation. 2 THE WITNESS: I don't know of some sort, 3 what you mean by that. 4 BY MR. DEAN: 5 Q. Can we agree at least on the left-hand 6 side, it says January 10, Volume 58, Number 1, 7 under that United States Department of Justice 8 Executive Office for the United States Attorneys, 9 Washington, D.C., H. Marshall Jarrett, Director. 10 Then under it says, "Contributors' opinions and 11 statements should not be considered an endorsement 12 by EOUSA of any policy, program or service. The 13 United States Attorneys' Bulletin is Published 14 Pursuant to 28 CFR Section 0.22(b)." 15 Do you see that? 16 A. I see that. 17 Q. Then at the top of the document, page 1, 18 it says Expert Witnesses. Do you see that? 19 A. Yes. 20 Q. The first one says, "Considering the 21 proposed changes to Federal Rules of Civil 22 Procedure regarding expert witness discovery by 23 Adam Bain." 24 Do you see that? 25 A. I see that.</p>	<p style="text-align: right;">Page 108</p> <p>1 A. I see some gray area, but I've not read 2 it yet. 3 Q. I'll read it with you and read it for 4 you. It says, "Rules 26(b)(3)(A) and (B) protect 5 communications between a party's attorney and any 6 witnesses required to provide a report under 7 26(a)(2)(B) regardless of the form of the 8 communications, except to the extent that the 9 communications (i) relate to compensation for the 10 expert's study or testimony." 11 Do you see that? 12 A. I can read that, yes. 13 Q. Now, if you turn to your section which 14 begins about page 14 of the document. Down at the 15 bottom left-hand corner are the page numbers. Do 16 you see that? 17 A. I do see that. 18 Q. Is this the section that you wrote, 19 which is about four pages long in January 2010 20 published in this bulletin? 21 A. I take your word for it. I mean, I know 22 I did contribute to this. I don't see -- I have 23 not read it for more than 10 years I am sure. So 24 I don't recall exactly what is in it, but it 25 appears to be what I contributed upon an</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Then under that it says, "Working With 2 Lawyers: The Expert Witness Perspective, by Remy 3 J.C. Hennet, Ph.D." 4 Do you see that? 5 A. I see that. 6 Q. Did you participate and work at some 7 point in time to prepare a journal article for the 8 Department of Justice back in 2010 by that name? 9 A. Yes. I recall it was an invited paper, 10 and it was invited to be included in there. I 11 don't remember exactly the detail of it. I will 12 have to read it. 13 Q. Do you see that on page 5 -- it's a 14 black and white document, but you can see there's 15 some highlights that's been added to the document. 16 Do you see that in the center about Rule 17 26 trial preparation, protection for 18 communications it party's attorney and expert 19 witnesses? 20 So you see that section? 21 MS. O'LEARY: Just for the record, 22 you're referring to the graying as highlighting? 23 MR. DEAN: Yes, ma'am. 24 BY MR. DEAN: 25 Q. Do you see that grayed area?</p>	<p style="text-align: right;">Page 109</p> <p>1 invitation to contribute. 2 Q. And do you say in the first full 3 paragraph on page 16, "The expert witness is often 4 publicly stigmatized as ethically comprised 5 considered by some as nothing more than hired 6 gun"? 7 Did I read that correctly? 8 A. You read that correctly. 9 Q. It goes on it says, "The stigma is borne 10 from misconceptions and from unavoidable human 11 nature. The concept that anyone who charges which 12 high hourly rates would say anything to satisfy 13 the paying party along with a few well publicized 14 examples of professional misconduct server to 15 anchor the stigma. In reality, the enduring 16 expert witness must demonstrate strong 17 professional and ethical conduct." 18 Did I read that correctly? 19 A. You did. 20 Q. Do you see at the next to last sentence 21 at the bottom, it says, "Opinions of the court and 22 transcripts of depositions and trial testimony 23 constitute a public record. That record serves as 24 an effective quality control tool that lawyers and 25 the finders of fact can consult. To succeed as an</p>

27 (Pages 106 - 109)

<p style="text-align: right;">Page 110</p> <p>1 expert witness, credibility and thoroughness have 2 to complement education and experience." 3 Did I read that correctly? 4 A. You did. 5 Q. If you turn to page 17, the next page, 6 and this is last page of your section, does it 7 say, "First, for expert testimony, it is important 8 to," and you listed a bullet point of a number of 9 things there, do you remember? 10 Do you see that? 11 A. I don't remember, but I see that. 12 Q. And then you've got, "Second, for a 13 successful lawyer-expert relationship, is 14 important for the expert to." And can you read 15 into record the last bullet point that you wrote? 16 MS. O'LEARY: Object to foundation. 17 THE WITNESS: The blast bullet point 18 reads, "Keep track of the budget since it can be a 19 limiting factor." 20 BY MR. DEAN: 21 Q. What did you mean by that? 22 A. It is important for what I do as a 23 professional to make sure that the client is aware 24 of the degree of effort and cost of a project. So 25 it is important to follow how much money is being</p>	<p style="text-align: right;">Page 112</p> <p>1 MS. O'LEARY: Is all of this 10? 2 There's several loose papers. 3 MR. DEAN: Yeah. I was going to make it 4 all one exhibit. I'll go through and identify 5 just so it's clear on the record what we're doing. 6 BY MR. DEAN: 7 Q. Do you see there's a cover letter from 8 Ms. O'Leary, dated February 25, 2025. I'll read 9 into the record what it says. It says, "Counsel, 10 pursuant to Federal Rule of Civil Production 11 Number No. 26(e)(1) & (2), the United States now 12 produces supplemental facts and data considered or 13 relied upon by Dr. Hennet." 14 Do you see that? 15 A. I see that. 16 Q. Now, do you agree with her, this is the 17 way she wrote the letter, that these are new facts 18 and new data that was considered by you after your 19 report? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: I believe it relates to 22 what I did on February 11. 23 BY MR. DEAN: 24 Q. Which is after your original report in 25 December of 2024?</p>
<p style="text-align: right;">Page 111</p> <p>1 billed. And some projects may have -- when you 2 have a budget, you have a budget. And if you go 3 above budget, you may not be paid. 4 Q. But you do believe and you wrote in your 5 article that it's important in order to maintain 6 your integrity as an expert witness that you're 7 thorough and provide truthful accurate information 8 in those situations? 9 MS. O'LEARY: Object to foundation. 10 THE WITNESS: Yes. As an expert 11 witness, I just follow those ethical rules and 12 answer to the best of my recollections and 13 ability. I am doing that here. 14 (Hennet Exhibit 10 was marked.) 15 BY MR. DEAN: 16 Q. I'll show you what I'll mark -- I'll 17 show you Exhibit No. 10. And we're going to use 18 the TV in just a second and try to get through 19 this, if we can, by lunch. I don't know. We'll 20 see if we can. We're going to turn now to your 21 reliance materials list and supplemental materials 22 that you provided to the Department of Justice to 23 produce in this case in the last few weeks. Okay? 24 A. Let's see. 25 Q. I'm going to show you Exhibit No. 10.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. That was after my expert report, yes. 2 Q. And then the second part of Exhibit 10 3 is an errata sheet -- actually, it's a couple 4 pages -- that relates to some updates, changes or 5 corrections that you wanted to make to your report 6 footnotes. 7 Do you see that? 8 MS. O'LEARY: Object to foundation. I 9 have two pages of errata. Am I meant to have two? 10 MR. DEAN: I agree with that, one on the 11 25th and one on the 28th. 12 BY MR. DEAN: 13 Q. Do you have the errata sheets there? 14 A. I have Exhibit 10. 15 Q. Hand it back to me, and I'll see if I 16 can help find where it's at in the group here. At 17 the end there's two pages. So there's three 18 sections to this. Exhibit 10, first page, one and 19 two are two letters, February 25 and 28. The 20 second section of Exhibit 10 is your supplemental 21 reliance materials list that came with these 22 letters. The last thing is the errata sheets, two 23 pages of errata sheets that came with the letter 24 on the 28th. 25 MS. O'LEARY: I object to foundation</p>

28 (Pages 110 - 113)

<p style="text-align: right;">Page 114</p> <p>1 there. I don't think both errata came with the 2 letter, either letter from February. 3 MR. DEAN: What's that? 4 MS. O'LEARY: I don't think both errata 5 came with the letters from February. 6 BY MR. DEAN: 7 Q. If you look on the backside of the first 8 page there, you'll see a second letter, dated 9 February 28, and then the last sentence says, 10 "Also produced are errata correcting citations to 11 Bates-stamped documents with the prefix." 12 Do you see that? 13 A. Which date of which letter because I 14 don't know which page -- the second page. 15 Q. Yes. 16 A. February 28, 2025. 17 Q. Does it say in the second sentence, 18 "Also produced are errata correcting citations to 19 Bates stamps"? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: Bates-stamp documents with 22 the prefix. 23 BY MR. DEAN: 24 Q. Errata sheets. 25 A. So it's not full sentence you gave. But</p>	<p style="text-align: right;">Page 116</p> <p>1 corrective reliance list? 2 A. My recollection is that it was -- I 3 delegated this could be done by a staff to 4 basically get those things with the errata 5 incorporated. That's my recollection. 6 Q. And it also was to list the photographs 7 and handwritten notes of February 11, 2025 when 8 you made that third visit, and those are listed in 9 here too as well; right? 10 A. I do not know that. You have to show me 11 where they are listed. 12 Q. Sure. Do you see on page 24? 13 A. 24 of the second section of the 14 four-section exhibit? 15 Q. Exhibit 10, yes, sir. Turn to page 24 16 at the bottom. Do you see in the center it says 17 CLJA Photos SSPA 1 through 58, Bates stamps CLJA 18 Photos SSPA 1 through 52. 19 A. I see that. 20 Q. Is that photos you believe to be that 21 you took -- scratch that. I'll show them to you 22 in a second. Turn to page 28. 23 A. Yes. 24 Q. Do you see the last entry there is 25 called Hennet USA 1 through 96?</p>
<p style="text-align: right;">Page 115</p> <p>1 I can see what you say. 2 Q. And do you see at the end of Exhibit 10, 3 the last two pages of Exhibit 10 are those two 4 errata pages? 5 MS. O'LEARY: Object to foundation. 6 THE WITNESS: The last -- you have one 7 page that is two sides and one page that is one 8 side. 9 BY MR. DEAN: 10 Q. Agreed. 11 A. And it is a three pages or four 12 depending on how you look at it. 13 Q. But those are errata sheets that you 14 created subsequent to your report to make some 15 minor changes to some references in footnotes; 16 right? 17 A. Appears to be, yes. It appears to be 18 that. 19 Q. Now, the other section of Exhibit 10 20 that I want to spend most of the time with you is 21 it titled Supplemental and Corrective Reliance 22 List. Do you see that? 23 A. I see that. 24 Q. Did you prepare this document or someone 25 work with you to prepare the supplemental</p>	<p style="text-align: right;">Page 117</p> <p>1 A. I see that. 2 (Hennet Exhibit 11 was marked.) 3 BY MR. DEAN: 4 Q. I'll show you Exhibit 11. Do you see 5 that Exhibit 11 are your notes, sheets one and 6 two, you prepared it appears on February 11, 2025. 7 The Bates-stamp of this exhibit is Hennet_USA_34 8 and Hennet_USA_76. Do you see that? 9 A. I see that. 10 Q. So that is part of the reason for the 11 supplemental reliance materials in addition to the 12 errata changes, was also to provide these updated 13 supplemental documents and data. 14 Do you see that? 15 MS. O'LEARY: Object to foundation. 16 THE WITNESS: I see that. 17 BY MR. DEAN: 18 Q. Now, what we're going to do, just so you 19 know -- you can put that aside for the time being. 20 Let me ask a couple more questions. 21 We talked about it earlier, but the 22 supplemental reliance materials that are listed, I 23 noticed that pages 1 through the middle of page 22 24 you listed out a lot of different specific 25 materials. You've provided whether it be an</p>

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<p style="text-align: right;">Page 118</p> <p>1 author or whether it be a Bates-stamp, whether it 2 be a JTC Environmental Consultant report, you 3 listed out a lot of things individually on pages 1 4 through 22. 5 Do you see that? 6 A. I see that. 7 Q. Then the last, page 22 through 28, 8 there's a lot of documents listed, which appear to 9 be a lot of the production's Bates-stamps in this 10 case. 11 Do you see that as well? 12 A. I see that. 13 Q. I guess my question is to understand how 14 you may have prepared this list and did your work. 15 The first 22 pages where you 16 specifically list out things, are those all of the 17 documents, individual documents that you 18 specifically rely upon for your opinions in this 19 case? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: Those are the documents 22 that I provide in support of my expert report plus 23 what you mentioned that I did after my expert 24 report. 25</p>	<p style="text-align: right;">Page 120</p> <p>1 every single one of these productions? 2 MS. O'LEARY: Object to form. 3 THE WITNESS: No. I didn't review every 4 page, but I basically went through a lot. And I 5 may have missed some, but what was relevant to 6 what I did I basically... 7 BY MR. DEAN: 8 Q. And you feel like you did a very 9 thorough review of all these materials that are 10 grouped together on pages 22 through 28? 11 A. I did as best I could. 12 MS. O'LEARY: Object to form. 13 BY MR. DEAN: 14 Q. And those that you found that were 15 relevant to your opinions, you pulled them out and 16 you've listed them on the first 22 pages that are 17 cited in your report or referred to? 18 A. I do not think that reflects that. But 19 in the report itself, you have footnotes. When 20 something is specifically relevant, I would cite. 21 Now, on the list of documents considered and/or 22 relied upon, I listed basically what I have. 23 Q. Let's do this. I don't know if we can 24 finish. I doubt we can finish, but we're going to 25 try. Your photographs.</p>
<p style="text-align: right;">Page 119</p> <p>1 BY MR. DEAN: 2 Q. February 11? 3 A. February 11, yes. 4 Q. The documents that are listed in pages 5 22 through 28, and I'll just give you an example, 6 if you look at page 23 and let's go down to the 7 third entry CLJA OCPL 1 through 12, do you see 8 that? 9 A. I see that. 10 Q. Can you tell me as you sit here what 11 specifically those documents are? 12 A. I cannot. 13 Q. If there's anything in there that's 14 important to your opinions and that you reviewed 15 and relied upon, it's going to be in the first 22 16 pages? 17 MS. O'LEARY: Object to form and 18 foundation. 19 THE WITNESS: I wouldn't agree with that 20 without seeing those other documents. 21 BY MR. DEAN: 22 Q. Well, have you looked at every single 23 page of every single one of these groups of 24 millions of documents on pages 22 through 28? 25 Under oath, had you reviewed every single page of</p>	<p style="text-align: right;">Page 121</p> <p>1 Well, let me ask you this: Is there 2 some new opinion you now have as a result of the 3 supplemental work that was done on February 12, or 4 does this information just support some of your 5 prior opinions? 6 A. You mean February 11? 7 Q. Yes, sir. I'm sorry. 8 A. No. My opinions are unchanged. 9 Q. So am I accurate that the work you did 10 you believe supports what you've already said. 11 You don't have any sort of new opinions? 12 A. Support or confirm. 13 Q. Did you create some new calculations to 14 confirm for support some prior opinions that you 15 expressed on or after February 11, 2025? 16 A. I didn't do calculations per se, but I 17 just basically thought about what I observed on 18 February 11, especially under filling of the water 19 buffalo that I witnessed. But I didn't write 20 anything or I did not calculate anything. 21 Otherwise, you would have obtained it. 22 Q. So I've looked at the photographs, the 23 still photographs that you took, which we're 24 fixing to look at, and I think there was some 25 movies in there, some video.</p>

30 (Pages 118 - 121)

<p style="text-align: right;">Page 122</p> <p>1 Do you remember that?</p> <p>2 A. You will have to show me.</p> <p>3 Q. Did you take all of those photos</p> <p>4 yourself and record those videos, or did someone</p> <p>5 else do it?</p> <p>6 A. On February 11 I believe I took all the</p> <p>7 photographs. It might have been that I passed the</p> <p>8 camera to somebody if I was busy. Can you take a</p> <p>9 picture of that? I do not recall that. But on</p> <p>10 the previous visit, because of what we were told,</p> <p>11 I could not personally take photographs. So I</p> <p>12 would ask counsel to take photographs because I</p> <p>13 wanted to have that basically as a document.</p> <p>14 Q. So all of these prior visits -- I won't</p> <p>15 hold you to the specific. We think it's about</p> <p>16 three -- including February 11, there were</p> <p>17 photographs taken either by yourself or at your</p> <p>18 direction by counsel?</p> <p>19 A. I don't know if it was on every visit</p> <p>20 because sometimes they'd say no photographs. I</p> <p>21 don't recall exactly what the circumstances were,</p> <p>22 but they are not always the same.</p> <p>23 Q. We'll get to it in a minute, but you</p> <p>24 clearly went in May of '24, and you clearly took</p> <p>25 photos or someone did because they're in your</p>	<p style="text-align: right;">Page 124</p> <p>1 asking the images, the Bates native images. Do</p> <p>2 you still have the native images of those photos</p> <p>3 you took on February 11?</p> <p>4 MS. O'LEARY: Object to foundation.</p> <p>5 THE WITNESS: My recollection they were</p> <p>6 downloaded and provided to counsel.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. So you don't have copies of these native</p> <p>9 images?</p> <p>10 A. I think I do.</p> <p>11 Q. But, obviously, the Department of</p> <p>12 Justice, you believe you provided the native image</p> <p>13 files to them?</p> <p>14 A. My recollection, it would have been</p> <p>15 electronic transfer of those photographs to them.</p> <p>16 (Hennet Exhibit 12 was marked.)</p> <p>17 BY MR. DEAN:</p> <p>18 Q. We'll call it Exhibit 12 is all of those</p> <p>19 photos provided to us, whatever that date Haroon</p> <p>20 provided them.</p> <p>21 MS. O'LEARY: I think just referencing</p> <p>22 Exhibit 10, which has the supplemental and</p> <p>23 corrected reliance list, we're talking about the</p> <p>24 Bates-stamps HENNET_USA_1 through 96?</p> <p>25 MR. DEAN: Correct. Like I said, I'll</p>
<p style="text-align: right;">Page 123</p> <p>1 report. Okay?</p> <p>2 A. Yeah, on that one, on that specific one,</p> <p>3 I believe I had to ask counsel to take photographs</p> <p>4 because I was not -- the name of the game was the</p> <p>5 expert don't take photographs.</p> <p>6 Q. Did they then send those images -- they,</p> <p>7 DOJ lawyer, whoever it was that took the photos,</p> <p>8 did they then text or email you those digital</p> <p>9 photos for the May '24 inspection if you didn't</p> <p>10 take the photo?</p> <p>11 A. If I didn't take the photo?</p> <p>12 Q. Yeah.</p> <p>13 A. At some point I got them, yes.</p> <p>14 Q. And the photographs that you took on</p> <p>15 February 11 using your phone, do you still have</p> <p>16 those digital original native images?</p> <p>17 A. I don't remember taking them with my</p> <p>18 phone. I think I took them with a camera.</p> <p>19 Q. Do you still have that camera digital</p> <p>20 photographs, original native files of the photos</p> <p>21 you took that day?</p> <p>22 A. Well, I used the company camera, not my</p> <p>23 personal camera, and that camera is used for</p> <p>24 different projects.</p> <p>25 Q. I'm not asking about the camera. I'm</p>	<p style="text-align: right;">Page 125</p> <p>1 just give you this.</p> <p>2 MS. O'LEARY: Is this a copy?</p> <p>3 MR. DEAN: Yeah. I'm going to put them</p> <p>4 on the screen. Actually, I was going to put it</p> <p>5 into the record, but for all of us, I'm going to</p> <p>6 throw them on the screen and refresh his</p> <p>7 recollection about all these photos.</p> <p>8 So for the record I've given you</p> <p>9 Exhibit 12, which are the photos and we're fixing</p> <p>10 to show the witness.</p> <p>11 BY MR. DEAN:</p> <p>12 Q. Now, do you see on the screen,</p> <p>13 Dr. Hennet, a photograph dated -- with a</p> <p>14 timestamp, date stamp of 2/11/2025 at</p> <p>15 HENNET_USA_1?</p> <p>16 A. I recognize that photograph, yes.</p> <p>17 Q. That document was produced to me as a</p> <p>18 .pdf. I'm representing to you I don't have the</p> <p>19 native file, but your representation to me is that</p> <p>20 you personally took that photo and you took it on</p> <p>21 February 11, 2025; right?</p> <p>22 A. That's what I recall, yes.</p> <p>23 Q. Now, whose hands are there? One person</p> <p>24 actually has got a booboo.</p> <p>25 A. It's not me.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. Are your hands in that picture?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Do you wear were cowboy boots?</p> <p>4 A. I didn't wear cowboy boots that I</p> <p>5 recall.</p> <p>6 Q. Do you know who's wearing the brown</p> <p>7 cowboy boots and the gray pants?</p> <p>8 A. I do not know.</p> <p>9 Q. Do you know who person is kneeling down</p> <p>10 with the blue jacket, tan pants and brown boots</p> <p>11 holding something?</p> <p>12 A. That was a person. I don't see his</p> <p>13 face. But that was a person who helped doing</p> <p>14 those measurements because you cannot take those</p> <p>15 measurements alone.</p> <p>16 Q. There's a rope there and there's a</p> <p>17 person holding to the left with a bandage on their</p> <p>18 left thumb.</p> <p>19 Do you see that?</p> <p>20 A. I see a bandage on somebody's hand?</p> <p>21 Q. And that's not your hand?</p> <p>22 A. That's not my hand.</p> <p>23 Q. Now, there's a person standing back, and</p> <p>24 all I can see is two feet or two boots.</p> <p>25 Are those boots you were wearing that</p>	<p style="text-align: right;">Page 128</p> <p>1 was the distance between a reference point, which</p> <p>2 was that metal bar that was basically held on each</p> <p>3 side of the spiractor effluent area at the level</p> <p>4 that was basically making the bar always</p> <p>5 horizontal.</p> <p>6 And then we had to measure a distance</p> <p>7 between that bar and the top of the effluent pipe</p> <p>8 in the spiractor. And the spiractor, at the time</p> <p>9 could do that because the spiractor was not</p> <p>10 online. So it didn't have water in it. So we</p> <p>11 could see the pipe and we could measure things.</p> <p>12 So the way to do that was to use that</p> <p>13 bar and then in order to be able to get that</p> <p>14 distance, you could not go there physically</p> <p>15 because it would have been a complicated thing to</p> <p>16 do. You could not go there physically as a</p> <p>17 person. So we used a rope, that rope there, to</p> <p>18 basically position it where we wanted it to be</p> <p>19 positioned, vertically, to give a distance between</p> <p>20 the bar, the top of the bar in this case here, and</p> <p>21 what we wanted to measure, which was the top of</p> <p>22 the effluent pipe.</p> <p>23 And then we could bring -- we did bring</p> <p>24 the rope, if you wish, and the bar back, and we</p> <p>25 measured that distance that way because we could</p>
<p style="text-align: right;">Page 127</p> <p>1 day?</p> <p>2 A. I don't think so.</p> <p>3 Q. So you're not in this photo?</p> <p>4 A. I am not in the photo, but I was there.</p> <p>5 Q. So we got at least one, two, three,</p> <p>6 four, five people at least were the there on</p> <p>7 February 11, 2025. Four are shown in the photo in</p> <p>8 some manner, and you're off to the side somewhere;</p> <p>9 is that correct?</p> <p>10 A. The people who were there as I recall</p> <p>11 were basically myself, counsel. And then there</p> <p>12 was three, four, five people who work at the water</p> <p>13 treatment plant that were basically there to</p> <p>14 assist. And I asked them questions.</p> <p>15 Q. What does that photo show? What is the</p> <p>16 purpose of that photo?</p> <p>17 A. The photograph is at the water Hadnot</p> <p>18 Point water treatment plant treatment next to a</p> <p>19 spiractor effluent to the left. That structure</p> <p>20 that is covered with some metals there, that's the</p> <p>21 head of the spiractor at that plant.</p> <p>22 Now, what is represented on the</p> <p>23 photograph we needed to use certain tools in order</p> <p>24 to be able to estimate through measurement certain</p> <p>25 distances, and the distance we wanted to measure</p>	<p style="text-align: right;">Page 129</p> <p>1 not do it directly. It would have been involved</p> <p>2 getting into a system which would -- we were not</p> <p>3 prepared to do and would be extremely complicated</p> <p>4 to do.</p> <p>5 Q. Maybe not the safest thing to do either;</p> <p>6 right?</p> <p>7 A. It would not have been a safe thing to</p> <p>8 do.</p> <p>9 Q. So the spiractor that you were doing</p> <p>10 this measurement there from top to bottom, I</p> <p>11 believe you mentioned or said that it was empty,</p> <p>12 it was dry, there was no water in.</p> <p>13 A. There was no water in it, yes.</p> <p>14 Q. You're at Hadnot Point water treatment</p> <p>15 plant; right?</p> <p>16 A. That's correct.</p> <p>17 Q. Did you take a look -- did you do any</p> <p>18 research before you did this experiment? I say</p> <p>19 experiment. I didn't mean to use that word.</p> <p>20 Before you did these measurements and</p> <p>21 went to do the work, whatever it was you did that</p> <p>22 day on February 11, did you do any work to</p> <p>23 research or look at any design drawings or</p> <p>24 research anything about the history of the</p> <p>25 equipment that you were there measuring?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. I looked at documents. Among those 2 documents were drawings, but the drawings were not 3 providing me what I wanted to evaluate directly, 4 at least the drawings I was looking at. 5 Q. Where are these drawings that you were 6 looking at? 7 A. In the records, I believe. 8 Q. Can you give me -- do you know what the 9 dates of those design drawings were that you're 10 referring to? Do you know where they were right 11 now as you sit there today? 12 MS. O'LEARY: Object to form. 13 THE WITNESS: I do not know. They're in 14 the record. 15 BY MR. DEAN: 16 Q. Are they in your office? 17 A. I don't know. They're in the record. 18 So the records, I have access to the records. 19 Q. I need to identify what those records 20 are is what I'm trying to get you to help me do, 21 and we don't have to do it today if you don't 22 remember. But do you have a copy back at your 23 office of these drawings you were looking at 24 before you went to do this work on February 11? 25 A. We have access of them. I believe so.</p>	<p style="text-align: right;">Page 132</p> <p>1 Environmental in 2004 did some of these similar, 2 if not same, measurements you're talking about? 3 A. I don't think that's correct. AH did 4 not do any measurement. They just looked at stuff 5 and they estimated. 6 Q. So you don't think AH Environmental 7 measured the spiractors like you did and similar 8 equipment back then 20 years ago? 9 A. They did not. 10 Q. Let's go to photo 2. 11 What is the basis or why do you think or 12 what do you rely upon to say that AH Environmental 13 did not do some of these same measurements on 14 certain equipment like you did in 2004? What are 15 you relying on? 16 A. The AH report. 17 Q. And you don't remember anything in my 18 report that relates to their doing any 19 measurements? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: What I recall is a report 22 that say visual estimate. 23 BY MR. DEAN: 24 Q. Just a different angle, page 3? 25 A. Yes. This is just another angle. And</p>
<p style="text-align: right;">Page 131</p> <p>1 It will be in the record. 2 Q. How many pages were they? 3 A. I do not know. 4 Q. Do you remember anything about the dates 5 of the documents? 6 A. I do not know. 7 Q. So other than looking at an unidentified 8 yet design drawing or two, did you do any other 9 work to ascertain the -- any historical 10 maintenance, installation or anything like that 11 related to the equipment you were measuring? 12 MS. O'LEARY: Object to foundation. 13 THE WITNESS: What I did is basically 14 looked at schematics of the spiractors. And that 15 didn't change over time to whatever I saw. It was 16 the same type of spiractors. And there is nothing 17 that I found in the records that say that would be 18 a different type or that would have been changed. 19 Spiractors are the spiractors, and they have to 20 fit the bill in the sense that they are very 21 large, very large volume for treatment that 22 basically have to fit the plumbing of the a plant. 23 BY MR. DEAN: 24 Q. Understood. And you remember and it's 25 listed in your reliance materials that AH</p>	<p style="text-align: right;">Page 133</p> <p>1 if you see the opening into the spiractor, it's 2 that little basically rectangular opening there to 3 the left. And that's one of the complication with 4 the Hadnot Point spiractors. They are covered 5 with basically a metallic protection cover. 6 MR. DEAN: Give me about seven more 7 minutes -- it will be at a quarter till -- and see 8 if I can get through this or not. Then we can 9 take a break till about -- 45 minutes or so? 10 MS. O'LEARY: Are you okay? Do you need 11 a break? 12 MR. DEAN: It will be about seven or 13 eight minutes. 14 THE WITNESS: I can do seven minutes. 15 BY MR. DEAN: 16 Q. Next page. What is shown on page 17 HENNET_USA Bates-stamp 4, and why are you taking 18 that photo? 19 A. This photograph is basically taken from 20 the other side of the spiractor, which has a 21 bigger, a larger opening. You saw on the previous 22 photograph you have a smaller opening on one side 23 and a larger one on this side. 24 On here you can see the interior of the 25 spiractor, no water. And what you are seeing in</p>

<p style="text-align: right;">Page 134</p> <p>1 the middle of the photograph is a spiractor 2 effluent pipe. 3 Q. And you say no water. How can you look 4 at this photo and tell there's no water? 5 A. I am telling you there is no water. If 6 there was water, you would see because the water 7 when the spiractor is online is all the way to the 8 rim of that pipe. 9 Q. Was there any water inside that pipe? 10 A. Can you repeat that, please? 11 Q. Is any water inside the effluent pipe? 12 A. No. 13 Q. The ruler there, again my eyes are 14 getting bad as I age. I can't read the ruler 15 there, the yellow ruler. Can you read it? 16 A. Maybe on another photograph you can. It 17 was very difficult to measure this. I noticed 18 that in my notes. And what we're trying to do 19 here was without going into this dangerous place 20 is basically to measure the distance between the 21 horizontal bar and the rim of the spiractor 22 effluent pipe. 23 Q. Why is that? 24 A. Because another measurements was to 25 measure the distance between the horizontal bar to</p>	<p style="text-align: right;">Page 136</p> <p>1 there, there it was horizontal because it was held 2 on both sides at the same level. And you can see 3 the level on the rim of the spiractor itself 4 because it is marked by the water. 5 Q. Did you measure that? 6 MS. O'LEARY: Object to form. 7 BY MR. DEAN: 8 Q. So when this was inside the spiractor 9 like you're referring to, was there a measurement 10 there so you would know the 28 inches here is 11 correct? 12 MS. O'LEARY: Object to foundation. 13 THE WITNESS: Yes. When it was inside, 14 it was the rope that was used because we could 15 bring the rope there and basically have it 16 suspended on the metallic horizontal bar to touch 17 the top of the pipe. 18 BY MR. DEAN: 19 Q. Do you have the rope that's shown on 20 page 1? 21 A. Do I have the rope? 22 Q. You used that rope as a part of this 23 experiment or measurement and that was a vital 24 piece of your tools that day to get this 25 measurement; right?</p>
<p style="text-align: right;">Page 135</p> <p>1 the top of the pipe. That would be to the left of 2 this. The pipe basically doesn't come as much 3 further out there. 4 Q. Can we go back one photo, please. Go 5 back one more. We'll come back to that. We'll 6 come back to that. 7 On photo 1, Bates-stamp 1, we can see -- 8 it's a little blurry, but you can read those 9 numbers. It looks like the gentleman's thumb on 10 the right side is somewhere around -- is it 28 or 11 not? 12 A. I think it was 28. 13 Q. Is that important that number 28, or is 14 there some other important number? 15 A. Yes, it is. 16 Q. Why is the 28 important? 17 A. Because that's the distance, the total 18 dance between the bar, the horizontal bar and the 19 top of the pipe where it becomes -- after it 20 finishes curving, if you wish. 21 Q. And the bar, is he holding it level or 22 not? 23 A. Not here because now we removed it from 24 the spiractor environment. But when it was in the 25 spiractor environment where we deployed the roll</p>	<p style="text-align: right;">Page 137</p> <p>1 MS. O'LEARY: Object to foundation. 2 BY MR. DEAN: 3 Q. Right? 4 A. The rope was provided by the base 5 personnel. 6 Q. I understand that. My question, it was 7 important for you to use a vital piece of tool to 8 get the measurements. That rope was the one 9 pieces of it? 10 MS. O'LEARY: Object to form. 11 THE WITNESS: Yes. That rope was 12 selected because it's not a rubber band. It is 13 basically something that will give you an 14 estimate, a measured estimate of a distance. 15 BY MR. DEAN: 16 Q. Did you conduct a measurement to 17 determine what the elastic characteristics of that 18 rope was before you used it other than visual and 19 yourself? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: It's held the hope in my 22 hand and said that's fine. 23 BY MR. DEAN: 24 Q. Did you take possession of that rope 25 when you left doing this?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. The base has possession of that rope. 2 Q. Who on the base has possession of that 3 rope right now? 4 A. The water treatment plant personnel. 5 Q. Have you seen that rope since 6 February 11, 2025? 7 A. I didn't go to the base since then. So 8 the rope is there. I didn't see it since then. 9 Q. Did you ask anybody that day when you 10 were talking to the personnel there at the water 11 treatment plant, did you ask them to preserve that 12 rope? 13 A. I did not ask them to preserve the rope. 14 Q. Have you ever since 2005, which we 15 believe was maybe some of the first time periods 16 you started doing a little work at time Camp 17 LeJeune, for the last 20 years, have you ever 18 observed Hadnot Point water treatment plant 19 operations on and water in that spiractor? 20 A. Yes, I have. 21 Q. When was that? 22 A. For this case, the times I went to the 23 base, every time I went there. And the spiractors 24 that I observed at the time were actually online. 25 Q. When was that?</p>	<p style="text-align: right;">Page 140</p> <p>1 when we visited. 2 BY MR. DEAN: 3 Q. And in '24, did you have a cell phone 4 with you? 5 A. Probably. 6 Q. Did you have a camera with you? 7 A. I did not have a camera with me because 8 we were told pictures will not be taken by us. 9 Q. But pictures could be taken by base 10 personnel, which they did? 11 A. Not base personnel. It was counsel. 12 Q. Did you ask the DOJ lawyers in '24 if 13 you could do these measurements you did in 2025 14 when you were there in '24? 15 A. Could not have done those because you 16 need some preparation to do this. It's 17 complicated. On top of it, we were on a site 18 visit with several people, other experts, counsel, 19 several counsel. And the purpose of the site 20 visit was not to do measurements at the spiractor. 21 I do recall that -- and I could not have done this 22 measurement there because I would not have had 23 what I needed to do them. Now -- 24 Q. After you were there in 2024 through 25 February 11, 2025, did you make -- during that</p>
<p style="text-align: right;">Page 139</p> <p>1 A. I went one time in 2024 and I believe I 2 went one time in 2023. 3 Q. Did you take any photographs of the 4 spiractors and the operations? 5 A. On the 2024 I didn't take pictures, but 6 some pictures were taken by counsel. 7 Q. These same spiractors were there in 8 2024, is that what your testimony is? 9 A. Yes. 10 Q. And did you conduct any measurements 11 when you were there in '24? 12 A. I did not. 13 Q. Was that rope there in 2024? 14 A. Not where you see on the picture. It 15 was not there. I don't know if the base had that 16 rope or not. 17 Q. When you were there in '24, you had some 18 DOJ attorneys with you; right? 19 A. Yes. 20 Q. Did you have some of the well men, some 21 of the well operations people there with you as 22 well? 23 MS. O'LEARY: Object to foundation. 24 THE WITNESS: The best I recall, some 25 people from the water treatment plant were there</p>	<p style="text-align: right;">Page 141</p> <p>1 timeframe, May of '24, February 1, 2025, did you 2 ever make any request for an additional visit -- 3 excuse me. Strike that. 4 Between May of '24 and when you issued 5 your report on December 9, 2024, did you make any 6 request of the DOJ or the Marines to go back to 7 the base to do measurements? 8 A. Through counsel I did. And I want to 9 add that during the 2024 visit, unexpectedly there 10 was a spiractor on the truck bed, that was on a 11 truck bed. That was at the Holcomb Boulevard 12 water treatment plant. And when I saw that, I 13 said, well, it is there. It's not going to be 14 there forever. And I asked counsel to take some 15 photographs of that spiractor effluent pipe using 16 a Metro card as a scale. 17 I have a Metro card. I know exactly the 18 distance of it. And I used that as a scale on the 19 spiractor and had counsel take photographs of 20 that. So that's one. 21 Second, I did through counsel ask if the 22 base could measure the distance that I am talking 23 about here, that measurement that is important for 24 parameters that is used in volatilization 25 calculations. And I did on one spiractor effluent</p>

35 (Pages 138 - 141)

<p style="text-align: right;">Page 142</p> <p>1 pipe at Holcomb Boulevard. And they provided me 2 with a measurement. It was much easier to do that 3 at the Holcomb Boulevard water treatment plant 4 because the spiractor there are not covered with 5 this metallic cover that you have at the Hadnot 6 Point water treatment plant. 7 Q. Two more points. Then we'll take a 8 break. 9 So you did think about the need to do 10 the measurements you did on February 11, 2025 when 11 you saw the effluent pipe over at Holcomb 12 Boulevard; right? 13 A. The reason why -- 14 Q. Let me go slowly through this and, if 15 you could, you did think about the need to do some 16 of these measurements that you ultimately did on 17 February 11, 2025 back in May of '24 when you saw 18 the effluent pipe on the back of the truck, but 19 you were at Holcomb Boulevard and you did some 20 measurements there; right? 21 A. Yes. That was an opportunity. I did 22 that. 23 Q. Didn't have the equipment, didn't what 24 you needed or circumstances weren't right for you 25 at the time May of '24 and you went back and did</p>	<p style="text-align: right;">Page 144</p> <p>1 Boulevard and you saw it, I guess it had been used 2 and it had been removed and it was in spare parts 3 or to be discarded area or something like that; 4 right? 5 A. That's my understanding on the truck 6 bed. 7 Q. Did you do any work, see if had any 8 serial numbers to ascertain how old it was? Did 9 you do any metallurgy work on it, anything to 10 ascertain how old that particular pipe was? 11 A. I didn't see anything that would allow 12 me to do that. 13 Q. Do you even know if that pipe had 14 actually been used in the past? 15 A. That pipe obviously had been used. 16 Q. Why do you say obviously? Because it 17 was sitting in the back of a pickup truck in a 18 base salvage area. How do you know where it came 19 from? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: Two things. The pipe had 22 been obviously used because it was encrusted, if 23 you wish, with deposits, which is typical of all 24 the spiractor pipes that I've seen in place. That 25 was one. And the second point is I was told at</p>
<p style="text-align: right;">Page 143</p> <p>1 it February of '25? 2 A. Yes. And reason I went -- that's one of 3 the reasons I went back on February 11, 2025. 4 It's because of what Dr. Sabatini basically in 5 some sense rebutted my report on some aspect of 6 it. In his estimates, he relied on a fall height, 7 which is a very important parameter for 8 calculating the losses that AH report basically 9 provided as a visual estimate. 10 And I was in some sense criticized 11 because the measurement I had was not measurements 12 for Hadnot Point water treatment plant. They were 13 measurements for the Holcomb Boulevard water 14 treatment plant spiractor effluent pipe. And you 15 have two such measurements. You have the one that 16 was on the truck bed. Basically I was there when 17 that was done. And later on, I had requested 18 through counsel that the base perform a 19 measurement on the spiractor pump, and I provided 20 that to me because I did it. 21 Q. When you took those photographs, and 22 they're in your report, we're going to go over 23 them a little bit after lunch. 24 On the pipe that you saw, the effluent 25 pipe that was in truck bed over at Holcomb</p>	<p style="text-align: right;">Page 145</p> <p>1 other times that it came from the Holcomb 2 Boulevard. 3 BY MR. DEAN: 4 Q. Did someone show you where it was before 5 it went in the truck bed when it was actually 6 functioning? 7 A. No. 8 Q. Did you ask anybody where that pipe came 9 from specifically? 10 A. I came from the plant. 11 Q. Which plant? 12 A. The Holcomb Boulevard plant. 13 Q. What do you base that on? 14 A. That's what I was told. 15 Q. By who? 16 A. The people from the water treatment 17 plant. 18 Q. What was that person's name? 19 A. I do not know that person's name. 20 Q. Did you make a record of that person's 21 name so if you need to go back to confirm 22 anything, you'd have his or her information? 23 A. I did not. 24 Q. That pipe could have equally come from 25 Hadnot Point, been on the back of a truck, and</p>

<p style="text-align: right;">Page 146</p> <p>1 they parked it back there behind Holcomb 2 Boulevard, couldn't it?</p> <p>3 MS. O'LEARY: Object to foundation. 4 THE WITNESS: I was told it was from 5 Holcomb Boulevard. 6 BY MR. DEAN: 7 Q. But to be fair and reasonable with me, 8 you don't know, you didn't see where it came in 9 from. It could have come from Hadnot Point as 10 well?</p> <p>11 MS. O'LEARY: Object to form. 12 THE WITNESS: It was on the bed of a 13 truck, and that's all I can tell you. 14 MR. DEAN: Let's take a lunch break. 15 MS. O'LEARY: Before we go off record, I 16 just wanted to note that Exhibit 7, which was the 17 email, I understand from colleagues who's looked 18 into this, we agree that this one was not among 19 the group where we requested the clawback, but 20 that was an oversight. We think it was missed 21 because of the sort of thread nature. And we 22 assert privilege over Exhibit 7. 23 MR. DEAN: So let's do it this way. 24 Let's mark that section of the transcript 25 confidential. And let's note on the record when</p>	<p style="text-align: right;">Page 148</p> <p>1 because I don't have photos of water buffalos up 2 here yet. But let's go to item number two. 3 Explain to me -- it says spiractor effluent pipe. 4 That's a good photo to use? Tell me. If not, 5 I'll find a different one. Tell me what your 6 notes say in No. 2 and how that information 7 supports your opinions. 8 MS. O'LEARY: For the record, that's in 9 Exhibit 11. 10 MR. DEAN: Correct, Exhibit 11. 11 THE WITNESS: So item two on Exhibit 11 12 is basically an explanation of the result of the 13 estimated measurements that I performed on 14 February 11, 2025 at the HP WTP, HP water 15 treatment plant spiractor effluent pipe. 16 BY MR. DEAN: 17 Q. So which pipe -- so we're clear, you 18 appear to be taking some measurements. You've 19 recorded some measurements here. Which pipe are 20 you measuring the 14-1/2 to 15, the 24 to 18? Is 21 it at Hadnot Point? Is it the one that was -- 22 which pipe are you measuring? 23 A. This is specifically related to Hadnot 24 Point and the photographs that we have looked at. 25 Q. So you're measuring that pipe in photo</p>
<p style="text-align: right;">Page 147</p> <p>1 we don't agree with you, but we'll deal with it 2 later. And we'll mark that document pursuant to 3 your request it be considered privilege and we 4 won't share it outside. We probably won't even -- 5 let's remove Exhibit 7. Exhibit 7 will not be 6 attached to the transcript until this issue is 7 resolved. 8 THE VIDEOGRAPHER: We are off the record 9 at 1255. 10 (Recess from 12:55 p.m. to 1:47 p.m.) 11 THE VIDEOGRAPHER: We are on the record 12 at 1347. 13 BY MR. DEAN: 14 Q. Let's go back to Exhibit 11, your notes. 15 It should be in there Exhibit 11. 16 A. Got it. 17 Q. Now, as we go through this, if you want 18 me -- I'm going to throw some photos -- we're 19 going to go back through the photos at some point 20 in time. But what I'm saying is if you feel like 21 it would be better for me to throw one of these 22 photos up for you to illustrate what you're doing 23 here, just tell me. 24 A. I will. 25 Q. We may jump around a little bit too</p>	<p style="text-align: right;">Page 149</p> <p>1 HENNET 4 dated 2/11/25? 2 A. That's correct. 3 Q. Is that a good photo for you to use 4 to -- let me tell you what I'm trying to figure 5 out, and I don't care how we do it, whatever is 6 most convenient and quick for you and me both. 7 I'm trying to find a photo that can demonstrate 8 what you're doing in number two. 9 MS. O'LEARY: And that's on Exhibit 11? 10 MR. DEAN: On Exhibit 11. 11 MS. BAUGHMAN: Kevin, for the record 12 what you're showing now is No. 8? 13 MR. DEAN: Is HENNET_USA_8. 14 BY MR. DEAN: 15 Q. So eight is one possibility. Stop me if 16 you see a photo that you think might help us 17 illustrate what you're doing in No. 2. 18 A. This is a photograph that I took. 19 Q. We're looking at HENNET_USA_38 taken 20 2/11/25. 21 My question is: Do that help 22 illustrated the measurements that you're showing 23 on Exhibit 11 under item No. 2? 24 A. Yes, it does. 25 Q. And what does it show?</p>

37 (Pages 146 - 149)

<p style="text-align: right;">Page 150</p> <p>1 A. It is basically a measurement of the 2 diameter of the effluent pipe. 3 Q. And is that effluent pipe that you're 4 measuring there at Hadnot Point water treatment 5 plant? 6 A. Yes. 7 Q. And did you inspect -- first of all, did 8 you ask anybody when that particular pipe was 9 installed? Did you get any history from anyone? 10 A. Nobody knew. 11 Q. Did you ask? 12 A. Yes, I did. 13 Q. Did you look at any documents to 14 ascertain when that effluent pipe extension or end 15 was installed? 16 A. I found no information as to this 17 particular pipe installment. 18 Q. Did you look at the pipe to see if it 19 had any markings on it, serial numbers, markings, 20 where it came from, anything like that, to give 21 you any information about its era? 22 A. There is no such information that I 23 could see. 24 Q. Again, do you have a better photo? Is 25 that is the best photo angle? Because of where</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. And what is purpose of the measurement 2 in the photograph 82, page 82? 3 A. It's to obtain measurement -- measure 4 estimate of the distance between the top of the 5 metallic bar, the horizontal bar, to the rim of 6 the effluent pipe. 7 Q. And is that shown on your -- your 8 interpretation or your measurement estimate, is it 9 shown in Section 2? 10 MS. O'LEARY: Exhibit 11. 11 BY MR. DEAN: 12 Q. On Exhibit 11. 13 A. It is not shown on Exhibit 11, but that 14 was measured in order to have dimensions for the 15 pipe, per se. This is the distance from the 16 reference bar to the rim. 17 Q. And what's the inside diameter of the 18 horizontal part of the pipe? 19 A. The inside -- I couldn't measure that 20 part, but having observed the other effluent pipe 21 that was from the Hadnot Point treatment plant, 22 the pipe is actually -- the diameter appears to be 23 actually a little bit smaller away from this area 24 that you have on the photograph and maybe further 25 away than what even you can see on the photograph.</p>
<p style="text-align: right;">Page 151</p> <p>1 you were situated, I understand it was a safety 2 issue. You didn't have the ability to shoot 3 straight down, did you? 4 A. I did not have that ability. 5 Q. So you're measuring the inside diameter; 6 is that fair? 7 A. That's correct. 8 Q. And so the 14-1/2 to 15-inch measurement 9 that you're doing there is the inside diameter 10 best estimation just because you can't see 11 straight down? 12 A. Right. It is the best measured estimate 13 of the diameter of the effluent pipe. 14 Q. Now, see if we can get this other 15 measurement photo. You were measuring -- is this 16 the same pipe at a different angle? 17 MS. O'LEARY: For the record, this is 18 82. 19 MR. DEAN: I'm sorry. 20 BY MR. DEAN: 21 Q. I'm showing you, Dr. Hennet, 22 HENNET_USA_82 showing that you took it on 2/11. 23 Is that the same you pipe or a different 24 pipe than the photo we saw before? 25 A. This is the same pipe.</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. So this is a Hadnot Point spiractor 2 tube, right, pipe? 3 A. This one is at Holcomb Boulevard water 4 treatment plant. That photograph was not taken by 5 me. 6 Q. Who took that a photo? 7 A. Base personnel upon my request. 8 Q. We're looking at CLJA_USMC_spiractors 2, 9 and you believe that photo was taken at Holcomb 10 Boulevard? 11 A. Yes. It was taken at Holcomb Boulevard. 12 Q. That pipe, the effluent pipe and the 13 supply pipe at the bottom where they come 14 together, they're the same size appear in this 15 photo? 16 A. Yes, they do. 17 Q. Where is that photo, HENNET_USA_9, 18 taken? 19 A. This one was taken at the Hadnot Point 20 water treatment plant. 21 Q. And did you measure -- so is this the 22 same pipe that you measured the inside diameter of 23 the top of the spiractor? 24 A. That is the same pipe that we looked at 25 before, yes.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. Did you measure the section of the pipe, 2 the supply pipe that comes to the curved spiractor 3 end? 4 A. No. What I measured was the distance 5 between the top of the horizontal bar to the top 6 of the pipe at that location with a rope that we 7 discussed before, and then I measured the length 8 of that distance. 9 Q. I understand that. If I also remember 10 for the record, I mean, all this stuff was empty, 11 dry? 12 A. Everything was dry. 13 Q. But what I was trying to figure out is 14 what is your belief the diameter of this pipe is 15 right here? It looks like to me it's PVC of some 16 court. 17 A. It is not PVC. 18 Q. The two pieces are assembled in this 19 little area here with the crease; right? 20 A. That's my understanding, yes. 21 Q. Did you measure the diameter of the 22 first part of the pipe that's coming out of the 23 wall? 24 A. No. I could not do that. 25 Q. So you don't have any idea of the size</p>	<p style="text-align: right;">Page 156</p> <p>1 angle? 2 A. You can make a fair guess, but I think 3 you have a better photograph of that particular 4 vent pipe. 5 Q. I'm showing you HENNET_USA_11. Do you 6 know what the purpose of that photo is and what's 7 going on there? 8 A. This is -- this was explained to me to 9 be the treated water after it comes out of the 10 sand filters, treated water. 11 Q. I'm not following. Is this an 12 experiment? A demonstration. First of all, let 13 me ask you this: Where was photo taken 14 HENNET_USA_11? 15 A. It is inside the Hadnot Point water 16 treatment plant. 17 Q. Did you turn the water on? 18 A. No. The water is the always on. 19 Q. The water is always on. And that vial 20 that's being filled up, was it always there? 21 A. I do not know. 22 Q. Did you put the vial under the water 23 faucet? 24 A. I did not. 25 Q. So do you know why that is there at all</p>
<p style="text-align: right;">Page 155</p> <p>1 of this pipe that's supplying the effluent pipe 2 ending piece there? 3 A. That portion of the pipe doesn't supply. 4 It is an exit. So the water enters the effluent 5 pipe from the rim you see there, and it goes by 6 gravity that way (indicating). 7 Q. Do you know when the spiractor is active 8 what the level of water would be in the effluent 9 pipe horizontally? 10 A. That was estimated in the AH report as 11 approximately 6 inches. That would be called the 12 tail end water height. 13 Q. Can you show me -- I've got on the 14 screen -- I'm showing you HENNET_USA_10. Can you 15 tell me the purpose of that measurement? 16 A. This measurement is a measurement of the 17 distance between the top of the water reservoir to 18 basically vent, exit. 19 Q. I cannot -- is there some reason someone 20 didn't take the photo so you can see the 21 measurement of the pipe clearly? 22 A. I think there are photographs that show 23 that. 24 Q. But that particular one you can't tell 25 the exactness of the measurement, can you, in that</p>	<p style="text-align: right;">Page 157</p> <p>1 from any water supply reasons? 2 A. I do not know the reason for the 3 (indecipherable) to be there. I do not know. 4 Q. Does this have anything to do with any 5 of your opinions other than it's just an 6 observation when you were in the treatment plant? 7 A. I took these photographs because it was 8 explained to me this is where the treated water, 9 after it comes out of the treatment, that's where 10 the samples are taken. That's why I took that 11 picture. 12 Q. We're looking at HENNET_USA_7. Is that 13 okay size-wise? Can you tell me what HENNET_USA_7 14 is or the purpose of the photo? 15 A. This is an open area that was open for 16 me of the finished water reservoir at the Hadnot 17 Point water treatment plant. 18 Q. And is this season normally covered up? 19 A. Normally that door is closed, yes. 20 Q. And where is the normal water level? 21 A. The water level for the reservoir 22 fluctuates I was basically informed of by about, 23 if I recall, 4 feet per day up and down. 24 Q. So when you measured it at whatever time 25 it was on February 11 -- I guess the water level</p>

<p style="text-align: right;">Page 158</p> <p>1 is this level right here under the first stair?</p> <p>2 A. I interpret this as the top of the water</p> <p>3 level.</p> <p>4 Q. You interpreted this to be the top of</p> <p>5 the water level just below -- between the first</p> <p>6 and the second step?</p> <p>7 A. Yes. And, as a matter of fact, it was</p> <p>8 explained to me to be that, because if it goes</p> <p>9 higher, the water would exit the reservoir through</p> <p>10 an overflow pipe or vent.</p> <p>11 Q. Now, what stage of treatment is this?</p> <p>12 Is this ready to be furnished? Is this finished</p> <p>13 water ready to be pumped out, or is it still in</p> <p>14 the treatment process?</p> <p>15 A. This is finished water, which is</p> <p>16 basically ready to be pumped into the supply</p> <p>17 system.</p> <p>18 Q. When you were there on February 11, did</p> <p>19 you drink any water?</p> <p>20 A. I don't recall. I probably -- not</p> <p>21 there. I wasn't there.</p> <p>22 Q. You might have had bolted water. But</p> <p>23 did you drink this water at Hadnot Point?</p> <p>24 A. I didn't go down there to have a look,</p> <p>25 no.</p>	<p style="text-align: right;">Page 160</p> <p>1 4 feet?</p> <p>2 A. I did not take his name. The people</p> <p>3 were there basically serving the base. They don't</p> <p>4 give me their names. They're working. They're</p> <p>5 doing their job. And I ask them questions and</p> <p>6 they responded and I noted it.</p> <p>7 Q. Do you, yourself, personally observe a</p> <p>8 4-foot fluctuation of the water level in order to</p> <p>9 be able to use that information to support or use</p> <p>10 those observations to support your opinions?</p> <p>11 MS. O'LEARY: Object to foundation.</p> <p>12 THE WITNESS: No. I could not have seen</p> <p>13 that within the short time that I observed this</p> <p>14 reservoir water level.</p> <p>15 BY MR. DEAN:</p> <p>16 Q. If you stayed there for 24 hours and</p> <p>17 observed this well, you would possibly have been</p> <p>18 able to make that observation; right?</p> <p>19 A. That's possibly.</p> <p>20 Q. And was there more than one person who</p> <p>21 told you about the 4 feet or were there like four</p> <p>22 or five people standing around that agreed it was</p> <p>23 4 feet? How many people were you talking about to</p> <p>24 about the fluctuation, one or more?</p> <p>25 MS. O'LEARY: Object to form.</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. Does that look like water you would want</p> <p>2 to drink with all the rust in that tank and all</p> <p>3 the pipe going down? Does that look like safe</p> <p>4 water even today?</p> <p>5 A. Safe water is based on measurement of</p> <p>6 that water. And this is not an unusual setting</p> <p>7 for a water reservoir that has been there for a</p> <p>8 while.</p> <p>9 Q. Who told you the fluctuation was 4 feet?</p> <p>10 A. People at the base when I asked that</p> <p>11 question. They have a system, and based on that</p> <p>12 system, they were able to answer that question.</p> <p>13 Q. What do you mean by "they have a</p> <p>14 system"?</p> <p>15 A. They measure it, I mean, automatic</p> <p>16 measurement.</p> <p>17 Q. What was the person's name that told you</p> <p>18 that it was a fluctuations of 4 foot?</p> <p>19 A. It was a person who worked at the water</p> <p>20 treatment plant.</p> <p>21 Q. What was that person's name?</p> <p>22 A. I do not recall his name.</p> <p>23 Q. Did you make any notes other than the</p> <p>24 two pages that we have that would identify this</p> <p>25 person and the specific statement they made about</p>	<p style="text-align: right;">Page 161</p> <p>1 THE WITNESS: There were several people.</p> <p>2 And the question was posed when we were in the</p> <p>3 room where they have the water pressure monitoring</p> <p>4 done. They have a computer that basically shows</p> <p>5 water levels in different places. And the</p> <p>6 reservoirs are one of those places.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. Did the system of measuring the</p> <p>9 fluctuation of the water levels, did you ask them</p> <p>10 if they kept any records of that?</p> <p>11 A. I know they measure it. I would say</p> <p>12 they probably keep a record of that for a period</p> <p>13 of time.</p> <p>14 Q. Not you. I'm talking about you got</p> <p>15 information from the unnamed person who gave you</p> <p>16 the 4-foot fluctuation. My question was a little</p> <p>17 different.</p> <p>18 Did you ask them whether they kept</p> <p>19 records of that fluctuation using their measuring</p> <p>20 system? Did they keep any records of this 4-foot</p> <p>21 fluctuation measuring system?</p> <p>22 A. I do not know if they keep records, but</p> <p>23 that's something they monitor because it is</p> <p>24 important. If it is too low, there can be a</p> <p>25 failure. If it who high, it will overflow.</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. Did you ask how long they had been using 2 this system to measure the fluctuation to be able 3 to say it's 4 feet? 4 A. What I was told is that that's a 5 parameter that has to be measured for the system 6 to function. I can extrapolate that to say from 7 day, one they were monitoring the water level on 8 the reservoir, and it goes up and down because it 9 demands (indecipherable). 10 Q. You did you ask this person how long 11 their measuring system had been a recording a 12 4-foot fluctuation? Did you ask this person that 13 question? 14 A. I was told that it was basically typical 15 fluctuation. 16 Q. Do you know how long that person had 17 worked to the water treatment plant? 18 A. Not exactly, but I ask. People that 19 were there were working there for 10 years, 15 20 years, but not a hundred years. 21 Q. The specific person that told you the 22 4-foot fluctuation, specifically since you don't 23 remember that person's name, do you know how long 24 that person had been on the base to make these 25 observations?</p>	<p style="text-align: right;">Page 164</p> <p>1 A. I probably took some notes of that, like 2 very brief notes because some of those notes you 3 have standing. And then I just put them so they 4 can be understood. 5 Q. While you were in the room and you were 6 taking notes on some other note pad or some other 7 notes, did you write down the things that this 8 person was telling you on that note pad? 9 MS. O'LEARY: Object to foundation. 10 THE WITNESS: Yes, I did. Then I 11 transferred that here. And then basically I 12 discarded the draft or I may still have it. I do 13 not know that. 14 BY MR. DEAN: 15 Q. Do you know where those other notes are 16 for which you created Exhibit 11 notes the next 17 day? 18 A. If they still do exist, I have them in 19 my office probably. 20 Q. Well, do you know as you sit here today 21 if you still have them? 22 A. And I do not know right now. 23 Q. But right now we do know you don't 24 remember the names of the individual or 25 individuals in the room that provided you this</p>
<p style="text-align: right;">Page 163</p> <p>1 A. As I said before, they were several 2 person in the room, and all those people were 3 operating this. And basically the answer was 4 provided, and everybody chimed in. They say 5 that's typical. That's what I do recall. 6 Q. You said in the room. Did you all have 7 a meeting either before or after you did the site 8 work? 9 A. Yes. When we talked about those 10 specific things, like water level fluctuation, 11 that was done inside the water treatment plant. 12 Q. At a conference room of some sort? 13 A. Yes, in a room inside the Hadnot Point 14 water treatment plant. 15 Q. You had a note pad that has S.S. 16 Papadopoulos & Associates with you; right? 17 A. Yes. 18 Q. Did you create Exhibit 11, the two pages 19 of notes, on February 11, or did you go home the 20 next day or two and fill out these from some other 21 records you had? 22 A. I don't remember when I did this. 23 Probably the next day this. 24 Q. Did you copy off of something else that 25 you had?</p>	<p style="text-align: right;">Page 165</p> <p>1 that 4-foot fluctuation history; right? 2 A. The names of those people was not 3 provided to me. 4 Q. Did you ask and they just didn't want to 5 give you that info? 6 A. I was told that there is no photograph 7 of individuals. And basically you had four, five 8 people there depending on when in the tour. And I 9 did not ask the name of those individuals one 10 after the other. 11 Q. Did you walk in the room and extend your 12 hand and introduce yourself? 13 A. No. 14 Q. Did they introduce themselves to you? 15 A. No. I was basically following the 16 leader of the visit or the leaders of the visit, 17 which to my understanding was basically the person 18 in charge of the entire treatment plant. 19 Q. Did you tell me you thought they kept 20 measurement records or not? 21 A. I said you can ask them if you want. 22 But they do measure things, and measurements 23 typically are kept for a period of time. I do not 24 know the period of time. 25 Q. Fair. Did you ask them whether -- to</p>

41 (Pages 162 - 165)

<p style="text-align: right;">Page 166</p> <p>1 look at those measurement records to verify the 4 2 foot that you had been told? 3 A. Well, I recall that they showed me on 4 the screen some fluctuations. I recall that. And 5 those numbers came basically from those. 6 Q. What screen were you looking at? 7 A. Again, it was in a room where they do 8 monitor those devices that measure the elevation 9 in many places, including the water towers, in the 10 water reservoirs, the finished water reservoirs, 11 the old water reservoirs, those kinds of things. 12 Q. We're making progress. You're in a room 13 with some individuals that operate the water 14 treatment plant at Hadnot Point; right? 15 A. Some? 16 MS. O'LEARY: Object to form. 17 BY MR. DEAN: 18 Q. And you are taking some notes on another 19 piece of paper about observations, what you're 20 learning as you're talking to these and they're 21 showing you a computer screen with some data. 22 Sounds like to me it's a chart, flowchart of some 23 sort. 24 MS. O'LEARY: Object to form. 25 THE WITNESS: First of all, there was</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. And you were looking at some from 2 computer data history records of some fluctuation 3 data of some sort; right? 4 A. That's right. 5 Q. And could you tell from looking at the 6 screen or asking questions how far back the 7 information and data went? 8 A. I think so because you had two axes. 9 One was in feet and the other axis was basically 10 time, time and date, as I recall. And what I saw 11 was basically what was going on. 12 Q. But you don't know how far back that 13 information went? 14 A. I do not know how far back that 15 information could be retrieved. I do not know 16 that. 17 Q. Was there a printer room? 18 A. I do not know that. 19 Q. Did you take a picture of the screen 20 that you were looking at to get the information 21 for which you now opine that it's approximately a 22 4-foot fluctuation? 23 A. I did not taking a picture of that. 24 Q. Did you ask anybody if they had the 25 capability to print out the screen you were</p>
<p style="text-align: right;">Page 167</p> <p>1 individuals, not only one. 2 BY MR. DEAN: 3 Q. I understand. 4 A. Second of all, they showed me that. And 5 I asked specific questions, like what is the water 6 level fluctuation in the finished water reservoir. 7 I asked that question and they answered. 8 Q. I understand. 9 A. I am not finished. And then they also 10 showed me on the screen some graphs of water 11 fluctuations in the water towers and the 12 reservoirs. That's what I recall. I'm not 13 finished. 14 And then I took notes of that. And for 15 the reservoirs, my note is 4 feet typical per day. 16 And for the water tower, it's basically 6 feet, if 17 I recall, typical per day. 18 Q. Thank you for that. I was asking a 19 little different question sort of as a lawyer. 20 The screen you were looking at, is it a 21 computer screen or a TV screen? 22 A. It was a computer screen smaller than 23 the one you're showing me now, but it was hooked 24 up to a computer I suppose because I did not check 25 where the extension word went.</p>	<p style="text-align: right;">Page 169</p> <p>1 looking at in order to base your opinion of a 2 4-foot fluctuation? 3 MS. O'LEARY: Object to form. 4 THE WITNESS: I did not. 5 BY MR. DEAN: 6 Q. If you were talking to these well 7 operators in 2025 and they've been there 10 or 15 8 years, assuming you're accurate, that means that 9 they may have started their employment 2010 10 hypothetically using that math; right? 11 MS. O'LEARY: Object to form. 12 THE WITNESS: I do not know the exact 13 employment history of each one of those 14 individuals. But I asked was anyone there in the 15 1980s, and the answer was no. 16 BY MR. DEAN: 17 Q. So none of them were there in the '80s. 18 Do you know if any of them were there in 19 2004? Did you ask that question? 20 A. I did not ask that question. 21 Q. And the record you were looking at, how 22 long did you spend looking at the screen -- let me 23 strike that and ask a different way. 24 All I'm trying to figure out is the 25 fluctuation data you were looking at, the screen,</p>

<p style="text-align: right;">Page 170</p> <p>1 and you said it was an axis chart. Do you know 2 what the timeframe of that chart was that you were 3 looking at? Was it data for 2024 or 2025, the 4 last few weeks? What era was that data and the 5 information you were looking at on the screen? 6 A. My recollection, the time axis was by 7 the week. 8 Q. So the week before you got there? 9 A. Yes, because it was up to date. 10 Q. Did you ask anybody what were any 11 changes in the operations, the pumping operations 12 there from 2004 to the week before you were there? 13 Did you ask anybody if they were aware of any 14 differences in the operational characteristics of 15 the plant? 16 A. I asked that question. Basically, to 17 their knowledge, it was still the same. They were 18 just keeping operating it the same way. 19 Q. How long were you in the room with them 20 approximately? 21 A. Which room? 22 Q. The room where you were looking at the 23 data on the screen. 24 A. I don't know, 20 minutes, 30 minutes. 25 Q. Was there a desk in this room, chairs?</p>	<p style="text-align: right;">Page 172</p> <p>1 So the answer was no. 2 Q. And you don't know their names. You 3 don't know exactly how many people were in the 4 room. You were looking at data on the screen that 5 was for the week before you arrived. The pipes, 6 they don't remember them being changed while 7 they've been employees, but you don't know how 8 long they've been employees; right? 9 A. Approximately as I answered before. 10 Q. 10 to 15 years? 11 A. The oldest one maybe 20. I don't know. 12 I just tell you what I recollect. 13 (Hennet Exhibit 13 was marked.) 14 BY MR. DEAN: 15 Q. Now, Exhibit 13 I believe is the AH 16 Consultants December 2004 report that you and I 17 have been talking about; correct? 18 A. That's the report I mentioned, yes. 19 Q. Do you see on -- turn to page 1-1. 20 A. Yes. 21 Q. The last sentence at the bottom of 22 Section 1.1, does it read, "As a part of this 23 effort, AH conducted a literature review and a 24 search of the appropriate archives to assist in 25 the development of reference estimates of the VOC</p>
<p style="text-align: right;">Page 171</p> <p>1 A. For the people who work there, yes. I 2 was standing. 3 Q. Were there file cabinets? 4 A. I do not recall that. 5 Q. Did you ask them while they were on the 6 computer showing you that screen to go into any 7 historic records and look at any additional 8 documents or information? 9 A. No, because I asked the question. The 10 question I asked was in another room. Everybody 11 was standing. But it's inside the plant. And 12 then to answer those questions, we went to that 13 room where you had the computer screen that 14 basically showed me the fluctuations. 15 Q. Did you ask before you went out to do 16 your measurements -- for example, you can see the 17 spiractor pipe HENNET_USA_4. 18 Did you ask any of those gentlemen in 19 the 20-minute meeting whether or not any of these 20 spiractor pipes had been changed since 2004? 21 A. I asked that question, but it was not in 22 the same room. It was in the previous room when I 23 asked a series of questions. Nobody was aware 24 that any one of those pipes was ever changed to 25 their recollection. That's what that answer was.</p>	<p style="text-align: right;">Page 173</p> <p>1 removal rates that you might have occurred through 2 Hadnot Point, Holcomb Boulevard and Tawara Terrace 3 water treatment plants." 4 Did I read that correctly? 5 A. You read that correctly. 6 Q. On page 2-1 under the Chronology 7 section, second full paragraph beginning, in 1982 8 contamination of the Hadnot Point and Tawara 9 Terrace water systems with tetrachloroethylene or 10 PCE and TCE was detected during monitoring of 11 trihalomethanes. 12 Do you see that? 13 A. I see that except you didn't read it 14 correctly. 15 Q. Do you want to read it for me? I was 16 embarrassed because I couldn't pronounce the 17 words. So you go ahead and read it. 18 A. "In 1982, contamination at the Hadnot 19 Point and Tawara Terrace water systems with 20 tetrachloroethylene (perchloroethylene or PCE) and 21 trichloroethylene (TCE) was detected during 22 monitoring of trihalomethanes." 23 Q. Now, on page -- in your report -- you 24 might want to lay your report next to you. I 25 believe we marked it Exhibit 3.</p>

<p style="text-align: right;">Page 174</p> <p>1 A. I found Exhibit 3.</p> <p>2 Q. Let's finish this first. On page 3-6 of</p> <p>3 the AH report is where I'm at now.</p> <p>4 MS. O'LEARY: Is that Exhibit 13?</p> <p>5 MR. DEAN: Yes, ma'am.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. It says at the bottom, "The spiractors</p> <p>9 at three treatment plants were identical in</p> <p>10 capacity and dimensions. In the model, removal of</p> <p>11 VOC occurred from the top surfaces are shown in</p> <p>12 Figure 3.1 as well as from the nappe (i.e., the</p> <p>13 sheet of water falling over a weir) believed to be</p> <p>14 formed at the center effluent pipe."</p> <p>15 Do you see that?</p> <p>16 A. I see that.</p> <p>17 Q. And then that figure is on the next page</p> <p>18 at the top.</p> <p>19 A. Yes. I see that.</p> <p>20 Q. What's in that photo or that figure?</p> <p>21 MS. O'LEARY: Object to foundation.</p> <p>22 THE WITNESS: This is a schematic of the</p> <p>23 entire spiractor.</p> <p>24 BY MR. DEAN:</p> <p>25 Q. And it shows in it the entire spiractor</p>	<p style="text-align: right;">Page 176</p> <p>1 the capacity of flow through for a spiractor.</p> <p>2 BY MR. DEAN:</p> <p>3 Q. If you turn to page 3.8, next page, you</p> <p>4 see a picture, Figure 3.2 of that effluent pipe?</p> <p>5 Do you see that?</p> <p>6 A. I see that, yes.</p> <p>7 Q. And it says the era according to the</p> <p>8 research done by AH Environmental in 2004, that</p> <p>9 this photo was a 1941/1942 era photo.</p> <p>10 MS. O'LEARY: Object to foundation.</p> <p>11 BY MR. DEAN:</p> <p>12 Q. Correct?</p> <p>13 A. That's what it says. I have no way to</p> <p>14 verify that the photograph was taken in 1942 or</p> <p>15 1941.</p> <p>16 Q. Then there's a different looking pipe at</p> <p>17 the same Hadnot Point water treatment plant</p> <p>18 spiractor in a photo in Figure 3.3, on the next</p> <p>19 page, 3-9, says on the photo it was a 1944, 1945</p> <p>20 era photo. Do you see that?</p> <p>21 MS. O'LEARY: Object to foundation.</p> <p>22 THE WITNESS: I can read that under the</p> <p>23 photograph.</p> <p>24 BY MR. DEAN:</p> <p>25 Q. And do you agree with me that effluent</p>
<p style="text-align: right;">Page 175</p> <p>1 is a 22 foot tall; right?</p> <p>2 A. That's correct.</p> <p>3 Q. It's 10.4 foot wide?</p> <p>4 A. At the top.</p> <p>5 Q. And it shows the spiractor pipe, I</p> <p>6 guess, at the top exiting to the right?</p> <p>7 A. Yes. That's the exit by gravity of the</p> <p>8 spiractor pipe at the top.</p> <p>9 Q. At the end of that first paragraph --</p> <p>10 let's read the first sentence. "Images of the</p> <p>11 pipes at the Hadnot Point water treatment plant</p> <p>12 are provided in Figure 3.2 and in Figure 3.3 and a</p> <p>13 detailed sketch of the effluent pipe is shown on</p> <p>14 Figure 3.4."</p> <p>15 Do you see that?</p> <p>16 A. That's the first sentence on that page.</p> <p>17 Yes.</p> <p>18 Q. The last sentence, and I just want you</p> <p>19 to tell me what you understand this means, says,</p> <p>20 "The critical depth for a circular 12-inch pipe at</p> <p>21 a flow rate of 1 MGD is approximately 6 inches."</p> <p>22 What does that mean?</p> <p>23 MS. O'LEARY: Object to foundation.</p> <p>24 THE WITNESS: Well, the MGD is million</p> <p>25 gallon per day. And that's basically the flow,</p>	<p style="text-align: right;">Page 177</p> <p>1 pipe is different than effluent pipe in 3.2?</p> <p>2 A. That particular pipe is I would call it</p> <p>3 L shaped. The other one is called J shaped pipe,</p> <p>4 but they serve the same purpose.</p> <p>5 Q. I understand they serve, but they're</p> <p>6 different pipes?</p> <p>7 A. They are different shape pipes.</p> <p>8 Q. Now, if you go to Figure 3.4, do you see</p> <p>9 where AH Environmental has measured those</p> <p>10 dimensions of those pipes?</p> <p>11 MS. O'LEARY: Object to foundation.</p> <p>12 THE WITNESS: My understanding is I</p> <p>13 didn't measure those dimensions. It's a visual</p> <p>14 estimate.</p> <p>15 BY MR. DEAN:</p> <p>16 Q. Where do you get that from?</p> <p>17 A. I don't recall exactly where, but it is</p> <p>18 in the report.</p> <p>19 Q. Turn to page 3-7. In the middle of the</p> <p>20 paragraph it says the fall height. Do you see</p> <p>21 that?</p> <p>22 A. Yes.</p> <p>23 Q. Is that the sentence you're referring</p> <p>24 to?</p> <p>25 A. Yes. And I define the fall height on</p>

<p style="text-align: right;">Page 178</p> <p>1 Figure 3.4 that we just looked at. And there you 2 have the fall height sketched out. 3 Q. No, sir. That says the fall height was 4 estimated visually. That doesn't say that the 5 pipe was not measured. Do you see what I'm 6 saying? 7 MS. O'LEARY: Object to foundation. 8 THE WITNESS: What I am saying is that 9 the fall height was not measured. The fall height 10 is the most important parameter here. 11 BY MR. DEAN: 12 Q. I'm not disagreeing with you. 13 A. And that was not measured. I see no 14 indication they did actually measure the diameter 15 of the pipe. 16 Q. Well, there's no evidence they didn't in 17 this report, is there? 18 MS. O'LEARY: Object to foundation. 19 THE WITNESS: I will have to read the 20 report again, but to my understanding, they did 21 not measure those values. I estimated them. And 22 the most important one is the fall height. 23 BY MR. DEAN: 24 Q. They measured the inside diameter of 25 that pipe to be 12 inches, that top measurement;</p>	<p style="text-align: right;">Page 180</p> <p>1 looking at? 2 MR. DEAN: I'm looking at the AH report, 3 and I'm going to stay on the AH report until I 4 give you another exhibit number. I believe it's 5 Exhibit 13. 6 MS. O'LEARY: What page? 7 MR. DEAN: I'm on page 3-10, same page 8 we've been on. 9 THE WITNESS: Can you repeat the 10 question, please? 11 BY MR. DEAN: 12 Q. Do you see that they took three 13 different measurements or they show three 14 different measurements there. First one is at the 15 top, 2 inches. And then they go -- the pipe goes 16 down 12 inches and it stops in the center, and 17 they're depicting a water level. 18 Do you see that? 19 MS. O'LEARY: On object to foundation. 20 BY MR. DEAN: 21 Q. Which would be at 14 inches. 22 MS. O'LEARY: Same objection. 23 THE WITNESS: Again, it is a visual 24 estimate. They did not show any measurement that 25 would show the 2 inch. It could be 2 inch. But</p>
<p style="text-align: right;">Page 179</p> <p>1 right? 2 MS. O'LEARY: Object to form and 3 foundation. 4 THE WITNESS: You will have to show me 5 where in the report it says they measured it. 6 BY MR. DEAN: 7 Q. Can you show me in the report where they 8 say they did not measure it and they got these 9 measurements visually from some picture of a pipe? 10 A. I have not soon seen a picture of a pipe 11 with a scale that could give you a measurement of 12 any of those values. 13 Q. So then you would agree with me they 14 would have had to have physically measured these 15 pipes on the scene? 16 MS. O'LEARY: Object to foundation. 17 THE WITNESS: They did a visual estimate 18 for the fall height. Why not a visual estimate 19 for the other dimensions that they provide on this 20 diagram. 21 BY MR. DEAN: 22 Q. They're showing that the water in the 23 pipe and the measurement they're taking is 24 12 inches plus 2 to get 14; correct? 25 MS. O'LEARY: I'm sorry. What are we</p>	<p style="text-align: right;">Page 181</p> <p>1 the 12-inch for the fall height, which is a value 2 that is important, I did not measure. 3 BY MR. DEAN: 4 Q. And then there's a measurement here of 6 5 inches from the center down to the bottom of the 6 pipe; right? 7 MS. O'LEARY: Objection. Foundation. 8 THE WITNESS: My understanding is I did 9 not measure that either. I assumed that. 10 BY MR. DEAN: 11 Q. Well, that's what I'm saying. You're 12 speculating regarding whether AH took actual 13 measurements of whatever pipe they were looking at 14 or what they were doing in 2004; right? 15 MS. O'LEARY: Object to foundation. 16 BY MR. DEAN: 17 Q. You don't know what they did. 18 MS. O'LEARY: Object to form. 19 THE WITNESS: Let's look at them one at 20 a time. We discussed already the 12-inch I 21 estimated. The 2 inch is also an estimate. And 22 the 6 inch, they also estimated for a pipe of 23 12-inch diameter that is basically flowing by 24 gravity at the given flow of the spiractor. To me 25 all of those are estimates, not measurements.</p>

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<p style="text-align: right;">Page 182</p> <p>1 BY MR. DEAN:</p> <p>2 Q. Is that AH Environmental still in</p> <p>3 business?</p> <p>4 A. I don't know. I believe so, but I do</p> <p>5 not know specifically.</p> <p>6 Q. Did you make any attempt to reach to</p> <p>7 contact maybe at AH Environmental to verify what</p> <p>8 they were referring to on the page we were just</p> <p>9 reviewing?</p> <p>10 MS. O'LEARY: Object to the form.</p> <p>11 THE WITNESS: I did not.</p> <p>12 BY MR. DEAN:</p> <p>13 Q. Now, turn to page 4-15 in your report,</p> <p>14 please.</p> <p>15 MS. O'LEARY: This is Exhibit 3.</p> <p>16 MR. DEAN: I'm sorry.</p> <p>17 BY MR. DEAN:</p> <p>18 Q. Let's go back. Before we go back, let's</p> <p>19 go back to Exhibit 13. There's one thing I forgot</p> <p>20 to ask you.</p> <p>21 If you turn to page 2-5 of Exhibit 13.</p> <p>22 A. I am on page 2-5.</p> <p>23 Q. Under 2.3 Water Plant Descriptions</p> <p>24 Systems, does it read, "The water systems of</p> <p>25 concern in the ATSDR study including Hadnot Point,</p>	<p style="text-align: right;">Page 184</p> <p>1 October 1980." And you footnote 41 and refer to</p> <p>2 1980 Jennings lab report; right?</p> <p>3 A. You read that correctly.</p> <p>4 Q. If you turn over, let's start the</p> <p>5 sentence at the bottom of page 4-15, last</p> <p>6 sentence, it begins for, about three lines up,</p> <p>7 "For example, the composite sample contained</p> <p>8 39 percent, 18 and 11 percent of finished water</p> <p>9 from HP, TT and HB-WTPs, respectively."</p> <p>10 Did I read that right so far?</p> <p>11 A. Yes, but you didn't finish sentence.</p> <p>12 Q. You're right. I'll come back. "The</p> <p>13 39 percent that's above that is the Hadnot Point</p> <p>14 reference, the 18 is Tawara Terrace, and the 11 is</p> <p>15 at Hadnot Point, Holcomb Boulevard.</p> <p>16 A. Yes, that's correct.</p> <p>17 Q. Then the sentence completes. The rest</p> <p>18 was from the five other water supply systems.</p> <p>19 A. Correct.</p> <p>20 Q. "Analytical results" -- go to the next</p> <p>21 page 4-16 -- "reported on October 31, 1980 showed</p> <p>22 only trace levels of COCs in the composite (TCE</p> <p>23 reported at .005 milligrams a liter; 1,2-DCE at</p> <p>24 .006 micrograms a liter; VC at .01 micrograms a</p> <p>25 liter; PCE not detected; benzene not detected)."</p>
<p style="text-align: right;">Page 183</p> <p>1 Holcomb Boulevard and Tawara Terrace are described</p> <p>2 in the following sections. The descriptions are</p> <p>3 based on interviews with base personnel, site</p> <p>4 visits and an examination of the design and</p> <p>5 as-built drawings that were obtained as a part of</p> <p>6 this project."</p> <p>7 Did I read that correctly?</p> <p>8 A. You did.</p> <p>9 Q. So AH did do site visits?</p> <p>10 MS. O'LEARY: Object to foundation.</p> <p>11 THE WITNESS: It says they did, yes.</p> <p>12 BY MR. DEAN:</p> <p>13 Q. And in 2004, 21 years before you were</p> <p>14 there, the personnel at the base in 2004 would</p> <p>15 have been closer in time to the early 2000s.</p> <p>16 A. I don't know. It's likely.</p> <p>17 Q. Now we're finished with Exhibit 13.</p> <p>18 Would you go to page 4-15 in your</p> <p>19 report, which I believe is Exhibit 3.</p> <p>20 A. 4-15?</p> <p>21 Q. Yes, sir.</p> <p>22 A. Yes.</p> <p>23 Q. In the second paragraph, you say, under</p> <p>24 4.5, "The first known analysis of the Camp LeJeune</p> <p>25 drinking water for VOCs that included COCs was in</p>	<p style="text-align: right;">Page 185</p> <p>1 Do you see that?</p> <p>2 MS. O'LEARY: Object to foundation.</p> <p>3 THE WITNESS: I see that except that for</p> <p>4 TCE you said 0.05 milligrams per liter.</p> <p>5 BY MR. DEAN:</p> <p>6 Q. What is it?</p> <p>7 A. It is microgram per liter.</p> <p>8 Q. Then you say, "Even assuming a worst</p> <p>9 case scenario that all the reported COCs came from</p> <p>10 Hadnot Point water treatment plant water, that</p> <p>11 would yield only trace level COCs in that system."</p> <p>12 Do you see that?</p> <p>13 A. I see that.</p> <p>14 Q. Then "The same can be calculated for</p> <p>15 each water system, and none would show COC</p> <p>16 concentrations above trace levels. This indicates</p> <p>17 that none of the water supply systems were</p> <p>18 contaminated with COCs at that time."</p> <p>19 Did I read that correctly?</p> <p>20 A. You did.</p> <p>21 Q. Am I understanding that opinion is based</p> <p>22 on a composite sample that was taken in 1980, that</p> <p>23 sole opinion is based on this composite sample,</p> <p>24 sole composite sample taken in 1980?</p> <p>25 MS. O'LEARY: Object to form.</p>

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<p style="text-align: right;">Page 186</p> <p>1 THE WITNESS: That description is based</p> <p>2 on water samples taken at eight different water</p> <p>3 treatment plants, brought to the lab, composited</p> <p>4 by the lab. Labs do know how to do that. And the</p> <p>5 composite that was analyzed.</p> <p>6 BY MR. DEAN:</p> <p>7 Q. Do you know if all those wells were</p> <p>8 operating the day that sample, composite sample</p> <p>9 was created?</p> <p>10 MS. O'LEARY: Object to form and</p> <p>11 foundation.</p> <p>12 THE WITNESS: Explain to me what you</p> <p>13 mean all of those wells.</p> <p>14 BY MR. DEAN:</p> <p>15 Q. Well, the wells that you say were</p> <p>16 sampled to make up the composite sample, were</p> <p>17 those wells operating the day the sample was</p> <p>18 taken?</p> <p>19 MS. O'LEARY: Object to foundation.</p> <p>20 THE WITNESS: It was not wells that were</p> <p>21 sampled. It was --</p> <p>22 BY MR. DEAN:</p> <p>23 Q. I'm sorry. Water at water treatment</p> <p>24 plants that created the composite sample, do you</p> <p>25 know if the plant was operating or the wells were</p>	<p style="text-align: right;">Page 188</p> <p>1 there next to you. We'll be referring to that.</p> <p>2 For the record, this is Exhibit 14. It's CLW 430</p> <p>3 through 434, which is the document you reference</p> <p>4 for your sentence footnote 41. Also known as</p> <p>5 CLJA_USMCGEN_6650 through 6654.</p> <p>6 MS. O'LEARY: Object to foundation.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. Do you see listed on the first page of</p> <p>9 Exhibit 14 the eight marked samples?</p> <p>10 A. Just checking something here. I see</p> <p>11 this.</p> <p>12 Q. Let me ask you --</p> <p>13 A. It seems to be an issue with the Bates</p> <p>14 number on these documents because you have --</p> <p>15 Q. No, sir. Let me help you if I can.</p> <p>16 Your sentence, The first known analysis of Camp</p> <p>17 LeJeune drinking water's plot for VOCs that has</p> <p>18 included COCs was in October 1980. Footnote 41.</p> <p>19 Footnote 41 says Jenning Laboratories</p> <p>20 10/31/1980 Camp LeJeune Justice Act CLW, CLW 430</p> <p>21 through 435. I put in front of you Exhibit 14 is</p> <p>22 the CLW 430 through 435 document you're referring</p> <p>23 to.</p> <p>24 A. You are correct. But there is another</p> <p>25 Bates number.</p>
<p style="text-align: right;">Page 187</p> <p>1 operating that day the composite samples were</p> <p>2 taken from the water treatment plant?</p> <p>3 MS. O'LEARY: Object to foundation.</p> <p>4 THE WITNESS: I'm confused because it</p> <p>5 seems you confused wells and water supply.</p> <p>6 BY MR. DEAN:</p> <p>7 Q. I may have in my first part of my</p> <p>8 question. I'm trying to clear it up now. My</p> <p>9 understanding is composite samples that are being</p> <p>10 referred to here, eight systems were taken,</p> <p>11 39 percent from the Hadnot Point water treatment</p> <p>12 plant, 18 percent from the Tawara Terrace water</p> <p>13 treatment plant, and 11 percent from the Holcomb</p> <p>14 Boulevard water treatment plant; right?</p> <p>15 A. I don't think that's correct. What is</p> <p>16 correct is samples were taken at eight water</p> <p>17 treatment plants, basically finished water. So</p> <p>18 samples were. And then they were brought to the</p> <p>19 lab or the lab took them. And in the lab they</p> <p>20 were composited in a manner that is reflected in</p> <p>21 that paragraph, 39 percent for Hadnot Point,</p> <p>22 et cetera.</p> <p>23 (Hennet Exhibit 14 was marked.)</p> <p>24 BY MR. DEAN:</p> <p>25 Q. I'll show you Exhibit 14. Just lay it</p>	<p style="text-align: right;">Page 189</p> <p>1 Q. I agree. I agree. But you refer to --</p> <p>2 I'm just using the one you refer to and making it</p> <p>3 clear that it's the same one.</p> <p>4 You agree with that?</p> <p>5 A. I agree with that.</p> <p>6 Q. The first two samples are Hadnot Point</p> <p>7 water treatment plant samples; right?</p> <p>8 MS. O'LEARY: Object to foundation.</p> <p>9 BY MR. DEAN:</p> <p>10 Q. Sample 1 is Hadnot Point Building 20,</p> <p>11 which is the Hadnot Point treatment plant?</p> <p>12 A. Right.</p> <p>13 Q. Sample 2 is -- and they took two quarts</p> <p>14 from there, which is a 152 milliliters; right?</p> <p>15 A. No. It's 1,500.</p> <p>16 Q. I'm sorry. You're right. And Number</p> <p>17 two sample, they one quart from Hadnot Point</p> <p>18 Building 670?</p> <p>19 MS. O'LEARY: Object to foundation.</p> <p>20 THE WITNESS: Yes. Building 670 is</p> <p>21 Holcomb Boulevard.</p> <p>22 BY MR. DEAN:</p> <p>23 Q. Treatment plant?</p> <p>24 A. Treatment plant.</p> <p>25 Q. Now, this is dated October 31, 1980 when</p>

<p style="text-align: right;">Page 190</p> <p>1 the report was issued, but it says the samples 2 were taken on October 1. 3 A. That's right. 4 Q. Do you know if on October 1, 1980 Hadnot 5 Point well 651 was running? 6 A. I do not know. Nobody knows that. 7 Q. Have you done any work to ascertain from 8 historic records whether or not well 651 was 9 operating on October 1, 1980? 10 A. I have looked. I have looked quite a 11 lot to see what is the information on when well 12 651 was operated. 13 Q. So go back to your report. And your 14 report, last sentence of that first paragraph I 15 read, says, "This indicates that none of the water 16 supply systems were contaminated with COCs at that 17 time." 18 Do you see that? 19 A. That's a true statement, yes. 20 Q. And you rely on this report, October 31, 21 and everything else you say in that paragraph to 22 reach that conclusion? 23 A. Yes. 24 Q. I just want to make sure I understand 25 that last sentence. You're saying it's your</p>	<p style="text-align: right;">Page 192</p> <p>1 Do you have independent opinions on 2 contamination analysis of HP-634 as far as its 3 start date of contamination, contamination at all? 4 Do you have independent opinion on that or do you 5 rely on Alex Spiliotopoulos? 6 MS. O'LEARY: Object to form and 7 foundation. 8 THE WITNESS: I have reviewed 9 independent data for well 634, and it is in my 10 opinions. I describe that. 11 BY MR. DEAN: 12 Q. What is your opinions with respect to 13 contamination at HP-634? 14 A. It is in my report. So I can go there. 15 Q. Please if you don't mind. 16 A. If you permit me to find it. 17 Q. I'm trying to get there myself. I 18 believe it's page 530. Page 531, bullet point -- 19 I guess it's the third bullet point down, it says, 20 "Supply well HP-634 was not contaminated with 21 TCE." 22 Do you see that? 23 A. I see that, yes. 24 Q. And what's the basis of that opinion? 25 A. The data.</p>
<p style="text-align: right;">Page 191</p> <p>1 opinion based on what we just talked about that 2 none of the water supply systems at Hadnot Point, 3 at Holcomb Boulevard or Tawara Terrace were 4 contaminated on October 31, 1980? 5 MS. O'LEARY: Object to foundation. 6 BY MR. DEAN: 7 Q. October 1, 1980. 8 A. Yeah. I indicated that you had no 9 significant contamination in any of those systems 10 on October 1, 1980. That's what that reports. 11 MS. O'LEARY: If we've been going for a 12 little over an hour. So if there's point where we 13 can take a short break. 14 MR. DEAN: Now is a good time. I'm 15 fixing to go to another subject. 16 THE VIDEOGRAPHER: We are off the record 17 at 1455. 18 (Recess from 2:55 p.m. to 3:06 p.m.) 19 THE VIDEOGRAPHER: We are on the record 20 at 1506. 21 BY MR. DEAN: 22 Q. Can you go to Exhibit 3. Actually -- 23 yeah, Exhibit 3. Let me get the right page for 24 you. I want to talk about your opinions for 25 Hadnot Point well 634.</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. What data are you referring to? 2 A. The available data. 3 Q. It's in your report. Let's just read it 4 together. You're saying that there's two samples 5 taken in December of 1984 after the well was shut 6 down and, two, after wells shut down in '86 and 7 '91. But on those first two, December 4 and 10th 8 they were nondetects. 9 MS. O'LEARY: Object to form and 10 foundation. 11 THE WITNESS: For TCE they were 12 nondetect. 13 BY MR. DEAN: 14 Q. Do you know what the nondetected level 15 was? 16 A. By memory, no, but we have to go back to 17 the data sheets. 18 Q. Do you know, did you do any work or 19 research or data analysis for the December 4, 1984 20 sample at HP-634 to determine whether or not that 21 was a good sample? 22 MS. O'LEARY: Object to form. 23 THE WITNESS: I looked at what is 24 available for the results on that date, and my 25 recollection is that it's some information from</p>

<p style="text-align: right;">Page 194</p> <p>1 the laboratory.</p> <p>2 BY MR. DEAN:</p> <p>3 Q. Do you know whether or not that</p> <p>4 December 4 sample was contaminated in any way?</p> <p>5 A. I would have to go back to the data</p> <p>6 sheets to answer that question if it is. But I</p> <p>7 recall for TCE, it was nondetect as I recall it.</p> <p>8 I would need to see the datasheet to confirm.</p> <p>9 Q. I think this is in your report. Table</p> <p>10 C7 report ATSDR, let's see if that's in here.</p> <p>11 According to your -- I'll show you the</p> <p>12 form the data in just a second. I'm making a copy</p> <p>13 of it. But according to your bullet pointed note</p> <p>14 there, there's only one sample that shows a</p> <p>15 positive result for TCE, which was taken</p> <p>16 January 16, 1985 at 1300 micrograms per liter;</p> <p>17 right?</p> <p>18 A. Out of the five samples taken during the</p> <p>19 period, yes, that's my understanding.</p> <p>20 Q. But you're saying -- what's wrong with</p> <p>21 that 1300 micrograms per liter measurement</p> <p>22 taken in -- reported out January 16, 1985?</p> <p>23 A. So you mean the one with 1300 reported?</p> <p>24 Q. Yes, sir.</p> <p>25 A. Well, that particular sample was part of</p>	<p style="text-align: right;">Page 196</p> <p>1 indicate specifically which vials were broken and</p> <p>2 what the condition of the 634 vial was? Have you</p> <p>3 seen any documents or data that gives you that</p> <p>4 information?</p> <p>5 A. I recall two or three different sources</p> <p>6 there. And I do not specifically recall the</p> <p>7 content of those. You'll have to show them to me.</p> <p>8 (Hennet Exhibit 15 was marked.)</p> <p>9 BY MR. DEAN:</p> <p>10 Q. We'll show you Exhibit 15, and this is</p> <p>11 the data for -- and for the record, it's</p> <p>12 CLJA_WATERMODELING_01-33723 through 3726. And on</p> <p>13 page -- I'm going to to this referring to the</p> <p>14 Bates-stamp 3724. So it's the second page.</p> <p>15 Do you see the data reported out for</p> <p>16 HP-634?</p> <p>17 A. Well, this is, I believe, from the ATSDR</p> <p>18 report.</p> <p>19 Q. Correct.</p> <p>20 A. And this is not the documents I was</p> <p>21 referring to. I refer to original documents that</p> <p>22 basically describe the sample set.</p> <p>23 (Hennet Exhibit 16 was marked.)</p> <p>24 BY MR. DEAN:</p> <p>25 Q. Now, I'm going to show you Exhibit 16.</p>
<p style="text-align: right;">Page 195</p> <p>1 a questionable sample sets that contained broken</p> <p>2 bottles based on what I have reviewed.</p> <p>3 Q. And do you believe that the sample that</p> <p>4 rendered the 1300 microgram per liter measurement,</p> <p>5 was that sample vial broken?</p> <p>6 A. Again, I will have to look at that.</p> <p>7 There were several samples broken.</p> <p>8 Q. What about the sample for 634, was that</p> <p>9 vial broken?</p> <p>10 A. I have to back to look at that</p> <p>11 information that I cite in my report. And I want</p> <p>12 to say for these type of samples, for those type</p> <p>13 of analytical means, you always -- the protocol is</p> <p>14 to take more than one flask or one sample, so</p> <p>15 typically two or three.</p> <p>16 Q. But you believed that somehow because</p> <p>17 some of the vials collected January 16 that that</p> <p>18 means that the vial for 634 was somehow comprised?</p> <p>19 A. It is a QA/QC flag. So the data should</p> <p>20 be marked as such. You a problem with that</p> <p>21 shipment. And all the samples could have been</p> <p>22 contacted by the broken vials in the package, if</p> <p>23 you wish. And typically the flag, you say, well,</p> <p>24 you should resample.</p> <p>25 Q. Have you seen any documents to date that</p>	<p style="text-align: right;">Page 197</p> <p>1 This is report # 7.</p> <p>2 MS. O'LEARY: Do you have a copy of for</p> <p>3 me of 16?</p> <p>4 MR. DEAN: Did I hand him two copies?</p> <p>5 MS. O'LEARY: I'm not sure. The last</p> <p>6 one I got was 15 which was Table C7 from the ATSDR</p> <p>7 report.</p> <p>8 BY MR. DEAN:</p> <p>9 Q. This is report 7 from the JTC</p> <p>10 Environmental, December 18, 1984 report,</p> <p>11 CLJA_NAVLANT-563489 through the 563498. If you</p> <p>12 turn to page 3495, you see that that particular</p> <p>13 Navy sample for HP-634 was received on the 12th</p> <p>14 and analyzed December 14. And that's when they</p> <p>15 got the chloroform, the 44V methylene chloride 130</p> <p>16 reading.</p> <p>17 Do you see that?</p> <p>18 MS. O'LEARY: Object to form.</p> <p>19 THE WITNESS: I see that.</p> <p>20 BY MR. DEAN:</p> <p>21 Q. Do you remember that when that -- let's</p> <p>22 go to something else first.</p> <p>23 (Hennet Exhibit 17 was marked.)</p> <p>24 BY MR. DEAN:</p> <p>25 Q. I show you Exhibit 17. That first one,</p>

<p style="text-align: right;">Page 198</p> <p>1 Exhibit 16, it's listed as a part of your 2 reference materials; correct? 3 A. I believe so. 4 Q. I'll show you just page 9 of your 5 reliance materials, which are Exhibit 1 -- 6 Exhibit 10 is your supplemental reliance 7 materials. Do you see just the two reports I've 8 handed to you, Exhibit 16 and 17, do you see where 9 you listed both those reports in your reliance 10 materials, the highlighted ones that I've got 11 there for you? 12 MS. O'LEARY: What do you have 13 highlighted? 14 MR. DEAN: Report 7, Exhibit 16 and the 15 report 17 which is Exhibit 17. 16 THE WITNESS: Stay with me. 17 BY MR. DEAN: 18 Q. Exhibit 16 is the report 7; right? 19 A. 563. 20 Q. Do you see it says test report number 7. 21 That's all you got to look at on the top. Do you 22 see it on Exhibit 16? 23 A. I see that. It says Report # 7, but the 24 a Bates-stamp numbers for some reason -- 25 Q. Don't worry about Bates numbers. Don't</p>	<p style="text-align: right;">Page 200</p> <p>1 January 18 reported out at 1300 microgram per 2 liter on that page 5611? 3 A. Can you repeat that? 4 Q. Do you see at the bottom besides 87V, 5 TCE is reported out at 1300 on the sample for 6 January 18? 7 A. Yes. I see that. 8 Q. Do you see anything on this lab sample 9 log, page 5611, that says anything about that 10 sample being compromised or there being some sort 11 of an issue with that sample? 12 A. Not on this sheet. 13 (Hennet Exhibit 18 was marked.) 14 BY MR. DEAN: 15 Q. I'll show you Exhibit 18 and ask you if 16 you've ever seen that document before today. I 17 will tell you it's not listed in your reliance 18 materials as a part of the ones you specifically 19 set out. It's probably covered in the catch-all. 20 My question is just: Do you as you sit 21 there today remember reading this chronology? 22 A. Those documents seem familiar, but there 23 are several chronologies in the record that look 24 about the same. So I think I have seen this. 25 Q. It's not again listed specifically in</p>
<p style="text-align: right;">Page 199</p> <p>1 worry about Bates numbers. Okay? Exhibit 16 is 2 test report # 7 that's referenced that in 3 Exhibit 10 of your reliance materials on page 9; 4 correct? 5 A. It's not the same Bates number. But it 6 has the title report number 17. 7 Q. Now go to Exhibit 17 laying there. Top 8 left-hand corner it says it's report number 17 9 Enclosure. Actually if you'll turn to the second 10 page that would be the easiest. Turn to the 11 second page. And it says at the top report 17. 12 A. It says report number 17. 13 Q. And is report 17 in your reliance 14 materials on page 9? 15 A. I believe it is. 16 Q. Now, on Exhibit 17, if you turn to the 17 page -- the easiest one for me to use is the CLW 18 number 5611, so about a third of the way in. Do 19 you see the large CLW number? 20 MS. O'LEARY: That would be the Bates at 21 the bottom CLJA_WATERMODELING_09 and then 423234. 22 MR. DEAN: Mine is cut off. Sorry I 23 couldn't give you that one. 24 BY MR. DEAN: 25 Q. Do you see on 5611 the sample received</p>	<p style="text-align: right;">Page 201</p> <p>1 your reliance reference materials, although it's 2 probably in a catch-all at the end in those 3 others, and I just was not certain of whether or 4 not you've ever considered this document and 5 considered it for your opinion in this case. 6 That's my question. 7 MS. O'LEARY: Object to form. 8 THE WITNESS: I have looked at many 9 documents, and this is probably one of the one I 10 looked at because I do remember documents that 11 looked like that that were basically chronologies. 12 I don't think they are more than one to my 13 recollection. 14 BY MR. DEAN: 15 Q. Now, do you see that January 16, 1985 16 entry? Actually let's go back up. So December 4, 17 which was the date we were talking about earlier 18 shown on the summary that had a nondetect 19 remember, it says, "Sampled Hadnot Point water 20 plant raw and treated water, plus wells 601, 603, 21 608, 634, 637 and 642 because of their proximity 22 to the 602." 23 Do you see that? 24 A. I see that. 25 Q. And it also says on 10 December, a</p>

50 (Pages 198 - 201)

<p style="text-align: right;">Page 202</p> <p>1 couple lines down, "Sampled HP treated water, plus 2 wells 601, 602, 608, 634, 637 and 642." 3 Do you see that? 4 A. I see that. 5 Q. 14 December, "Received the result of the 6 10 December '84 sampling. Treated water levels 7 dropped. Wells 634 and 637 previously showing 8 nothing showed significant levels of methyl 9 chloride. 634 and 637 were shut down." 10 Do you see that? 11 A. Yes. It is methylene chloride. Yes. 12 Q. I'm sorry. Now, I think in your report 13 your opinion is that as of December 14, 634 has 14 been shut down and no longer operating; is that 15 right? 16 A. 634 was shut down because of methylene 17 chloride detection. 18 Q. And it stayed shut down. It was the 19 never turned back on as far as you know? 20 A. It was not returned to service as far as 21 I know. 22 Q. I don't know exactly what page that is. 23 It might have Dr. Spilotopoulos' report. 24 But as far as you know as you sit here 25 today, you don't know of any information that 634</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Yes, but that's not the sampling data. 2 Q. Hold on. Bear with me. If you go to 3 exhibit -- go to Exhibit 15, which is this 4 document, the chart. Do you see on the second 5 page besides or down there where it says the 6 sample date for Hadnot Point 634, it lists 12/4, 7 12/10 and January 16, 1300 micrograms per liter? 8 A. Two more dates later. Yes. This is 9 from ATSDR. 10 Q. Correct. 11 A. This is not primary source of 12 information. 13 Q. Sir, the primary source of the 14 information for the 1300 reading right there shows 15 that the Navy received the sample. I'll give you 16 it doesn't say when specifically on that page the 17 sample was taken. It says the Navy received it on 18 the 18th. The result for TCE on the bottom 19 right-hand corner is 1300, isn't it? 20 A. That's correct, but it doesn't give me a 21 sampling date. 22 Q. I understand it's not there, but we can 23 get that date, assuming it's accurate, from 24 Exhibit 15; right? 25 A. Assuming that the ATSDR is accurate.</p>
<p style="text-align: right;">Page 203</p> <p>1 was turned back on after that December 12? 2 A. My recollection is that it was shut 3 down. It was said shut down temporarily, but I 4 saw no indication that it was ever put back in 5 service. 6 Q. Let's look at that. Do you see the next 7 entry about two down, it says 16 January 1985? Do 8 you see that entry? 9 A. Yes, I do. 10 Q. And we've already established from 11 Exhibit 17, the JTC report, that 634 was, in fact, 12 tested on January 16; right? 13 A. Can you show me which? 14 Q. Exhibit 17 or you can go to Exhibit -- 15 Exhibit 17, January 16, 1985, 634 was tested. 16 MS. O'LEARY: What page is that? 17 MR. DEAN: 5611. 18 BY MR. DEAN: 19 Q. Page 5611, 634 was a well that was 20 sampled on the 16th, the sample received 18th, and 21 it was reported out on the 28th. Do you see that? 22 A. Where is the date of sampling here on 23 this page? 24 Q. Do you see at the top of 5611 it says 25 the Navy received the 634 on January 18?</p>	<p style="text-align: right;">Page 205</p> <p>1 There were a few typos in the ATSDR sampling 2 dates. 3 Q. Also on Exhibit -- the chronology, 4 Exhibit 18, on the first page, CLW 4546, beside 16 5 January 1985, which is the same date that ATSDR 6 listed in their report as the sample date, does it 7 read, "Sampled all operating wells for Hadnot 8 Point and Holcomb Boulevard water plant (HB). 37 9 wells"? 10 Did I read that correctly? 11 A. You read that correct. 12 Q. So we got two. That's the original 13 source or that a source, not the original. That's 14 a source of the date of January 16 that all 15 operating wells including HP-634 were sampled; 16 right. 17 A. It doesn't say January 16 HP-634 on what 18 you showed me. 19 Q. It says, "All operating wells were 20 sampled that day." 21 Do you see that? 22 A. That what it says. 23 Q. 634 was sampled on that day. 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: Could be.</p>

<p style="text-align: right;">Page 206</p> <p>1 BY MR. DEAN: 2 Q. The history says it was operating that 3 day; right? 4 A. That's the words that is being used in 5 this. 6 Q. So my question is: Did you disregard 7 that fact or not consider that fact when you 8 issued your opinion saying that the well shut down 9 on December 12, 1984 and never went back into 10 service? 11 MS. O'LEARY: Object to foundation. 12 THE WITNESS: I did not disregard that. 13 I did look at the 37 wells that were sampled, and 14 it included both operating wells and the wells 15 that were shut down. For example, 602 was 16 sampled. It was shut down. So I think the person 17 who wrote this narrative just basically probably 18 used the incorrect word because what I did is I 19 sampled all water supply well that they could 20 sample. That's my interpretation of that, because 21 when I look at what was actually sampled, it 22 included wells that were not on. 23 BY MR. DEAN: 24 Q. Do you know if there's any other 25 evidence that well 634 was, in fact, operating on</p>	<p style="text-align: right;">Page 208</p> <p>1 BY MR. DEAN: 2 Q. Let me show you Exhibit 19. The 3 Department of Justice has retained you as an 4 expert in this case; right? 5 A. Yes. 6 Q. And they are defending the United 7 States; right? 8 A. Pardon me? 9 Q. That they are defending the United 10 States in this litigation? 11 A. That's the role of the Department of 12 Justice in this case, yes. 13 Q. And the location that's at issue in this 14 case is Camp Lejeune, North Carolina, which is a 15 Marine base under the jurisdiction of the Marine 16 Corps which falls under the Navy. 17 A. That's my understanding. I have not 18 seen documents that state specifically that. I 19 have not looked for that. 20 Q. Do you believe that the United States 21 Marine Corps, if they were to prepare a history 22 that applies to operation 634, that the Marines 23 would be accurate and truthful in that chronology? 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: As I mentioned, those</p>
<p style="text-align: right;">Page 207</p> <p>1 January 6, 1985 other than the document you and I 2 just looked at, the chronology, 4546, CLW 4546? 3 It's Exhibit 18. 4 A. Well, I have searched for that. There 5 is no document I could find that would say well 6 634 after it was shut down because of methylene 7 chloride was ever restarted. You are quoting 8 something that is out of the -- not of the time, 9 but somebody just did a narrative. 10 And when they say all operating wells 11 were sampled, 37 wells, I looked at the data from 12 those resampling, and it does include wells that 13 were shut down, but they could be sampled because 14 technically because they could be sampled. 15 Q. Did you find any other historical 16 documents or any other information about operation 17 of 634 when you were doing your in-depth document 18 review in order to base your opinions other than 19 you now believe you might have seen Exhibit 18? 20 A. Yeah. My memory come back. I have seen 21 this. And then I just went to look at all the 22 wells that we sampled, and those included wells 23 that were in operation or operable as well as 24 wells that were closed at that time. 25 (Hennet Exhibit 19 was marked.)</p>	<p style="text-align: right;">Page 209</p> <p>1 chronologies are put together by somebody who was 2 probably task to do that. That doesn't mean that 3 it is absolutely correct. I have noticed several 4 times where things are contradictory in the 5 record. 6 BY MR. DEAN: 7 Q. Do you trust Marine Corps chemists? 8 MS. O'LEARY: Object to foundation. 9 THE WITNESS: What do you mean by trust? 10 BY MR. DEAN: 11 Q. Do you not believe or trust a Marine 12 Corps chemist? 13 MS. O'LEARY: Object to form and 14 foundation. 15 MR. DEAN: Let me withdraw that. A 16 little argumentative. I'll object to my own 17 question and ask a different way. 18 BY MR. DEAN: 19 Q. Do you have any reason as you sit there 20 today right now to distrust, not believe, not feel 21 comfortable with a United States Marine Corps 22 chemist analyzing the operation of these wells in 23 1989? 24 A. 1989? Everybody do the best they can. 25 I don't see malfeasance, if that's what you mean,</p>

<p style="text-align: right;">Page 210</p> <p>1 but it is not to the exclusion of sometimes some 2 verbiage that is not correct for litigation or 3 basically some error. Human error happens, but -- 4 I want to finish -- I don't see anyone who's is 5 trying to basically say something that I didn't 6 think was the way they said it. 7 But I do not cherry pick what I look at. 8 I look at everything. The basis of me as a 9 professional rendering an opinion it's not based 10 on the cherry picked one piece or one sentence 11 here ignoring the other ones. I am taking the 12 entirety of that, and then I make my opinion. 13 Q. And your opinions are based on the stuff 14 that's been provided to you or that you've 15 developed or researched and located, produced to 16 you. That's where you get all your information; 17 right? 18 MS. O'LEARY: Object to form. 19 BY MR. DEAN: 20 Q. Let me ask a different way. Did you get 21 any information, did you get any documents 22 directly from the Marine Corps or the Navy, or did 23 you get all of the documents and information 24 supplied to you by the Department of Justice? 25 A. My understanding as far as documents,</p>	<p style="text-align: right;">Page 212</p> <p>1 BY MR. DEAN: 2 Q. And do you see on the second page, 1819, 3 it says Installation Restoration Program 4 Background Information? Do you see that? 5 A. I see that. 6 Q. And if you go down to line 6, that very 7 similar sentence where it says, "On December 4, 8 1984 the Hadnot Point water treatment plant's raw 9 water and treated water was sampled as well as any 10 drinking water wells within a mile of Hadnot Point 11 fuel farm or Building 202. The building numbers 12 sampled were 601, 603, 608, 634, 642." 13 Do you see that? 14 A. I do see that. 15 Q. Then the results are received on 16 December 6. In item number 8, it says from 17 October 31 -- excuse me. Does it say, "From 10-31 18 December 84 duplicate and quality control samples 19 were run to confirm the presence of TCE, DCE and 20 PCE in the wells. Wells 634 and 637 on a second 21 sampling shows methyl chloride. The wells were 22 temporarily closed until it was determined that 23 the methyl chloride was probably a laboratory 24 contaminant." 25 Do you see that?</p>
<p style="text-align: right;">Page 211</p> <p>1 base-related documents that they basically all 2 came through the Justice Department. But if you 3 have a newspaper article, I may have read that, 4 but it was not coming from the Justice department. 5 Q. Understood. I'm going to show you 6 Exhibit 19. Exhibit 19 is a memo from a 7 supervisory chemist Elizabeth Betz, dated 11 8 April 1989. Its subject says Water Monitoring 9 Related to the Installation Restoration Program at 10 the top. 11 Do you see that? 12 A. I see that. 13 Q. This document is not listed in your 14 reliance materials in any of the call-outs through 15 page 22, although it could be covered in some of 16 the other catch-alls. 17 My question: Do you, as you sit there 18 today, specifically remember reviewing a 1989 19 Marine Corps water monitoring program history 20 document? 21 MS. O'LEARY: Object to form. 22 THE WITNESS: I believe I have seen 23 this. At least it looks like something I've seen 24 in the past. 25</p>	<p style="text-align: right;">Page 213</p> <p>1 A. I see that. 2 Q. If you turn to the next page, paragraph 3 9, Ms. Betz notes "On January 16, 198 37 wells 4 serving the Hadnot Point and Holcomb Boulevard 5 water plants were the sampled." 6 Do you see that? 7 A. I see that. 8 Q. Item number 13, moving forward, says, 9 "On 1 February 1985, the 31 January 1985 samples 10 showed that there was still a contaminated well 11 operating in the Hadnot Point system. The results 12 of the 16 January '85 sampling were phoned into 13 Natural Resource and showed high levels of TCE in 14 651. Well 651 is located on the backside of 15 DRMO's disposal storage lot. It was not initially 16 sampled as being in proximity to a NACIP site. It 17 had the highest levels of TCE found. The 18 concentration was in the 17,000 to 18,000 parts 19 per billion range. Well 651 was shut down." 20 Can you read what the record what it 21 says on February 1, 1985 about well 634? 22 A. Well, we're talking back to this 1300. 23 Q. Can you read into the record the rest of 24 the paragraph I just read beginning well 634, sir. 25 MS. O'LEARY: Object to form.</p>

<p style="text-align: right;">Page 214</p> <p>1 THE WITNESS: "Well 634 showed TCE also 2 and was shut down." 3 BY MR. DEAN: 4 Q. That document says 634 continued to run 5 some point in time after it was temporarily 6 closed, put back in service the end of December, 7 middle to end of December, and it ran until 8 February 1, 1985. That's what that document says; 9 right? 10 MS. O'LEARY: Object to foundation. 11 THE WITNESS: You have to help me here. 12 I don't see where says that 634 was operated for 13 the water simply. 14 BY MR. DEAN: 15 Q. Well, it says on the 1st of 16 February 1985, it was shut down. That's the 17 sentence you read. And if it shut down, it means 18 it was operating before it was shut down. 19 A. No. That's one interpretation of this. 20 But my interpretation based on everything I have 21 looked at is -- remember that this chronology here 22 was done basically four years or five years after 23 the fact. So it's basically some rehashing of 24 things. I put more credential to basically 25 documents that are close to when things happen or</p>	<p style="text-align: right;">Page 216</p> <p>1 reported in the water from the well. 2 BY MR. DEAN: 3 Q. And your opinion is it was never started 4 back up? 5 A. I'm not finished. I'm not finished. 6 Then I looked for information that would just 7 support what you say, that well 634 was basically 8 reused for the water supply. And you have 9 information from the time that shows you that that 10 well was not on. And that information is given in 11 my report for the period November -- for 69 days, 12 November to basically February 5, 1985, that 13 period of time. And well 634 after this period of 14 shutdown on December 10 or whatever that was, was 15 not on. And that is contemporary information that 16 tells you which wells were on and which wells were 17 off. And that I rely as being primary indication 18 and support for my opinion and deduction and 19 conclusion that well 634, once it was shut down, 20 was not restarted for the water supply. 21 Q. We'll circle back to that in a minute, 22 move onto another subject. 23 (Hennet Exhibit 20 was marked.) 24 BY MR. DEAN: 25 Q. I'll show you Exhibit 20. Do you see</p>
<p style="text-align: right;">Page 215</p> <p>1 when things happened. 2 Q. Well, this is 1989 and the other 3 document is February 26, 1985. If you go look at 4 Exhibit 18, tell me the date it says that that 5 chronology was prepared. 6 MS. O'LEARY: Object to form. 7 THE WITNESS: That chronology we talked 8 about was February 26, 1985. This one -- 9 BY MR. DEAN: 10 Q. 30 days later. 11 A. That one. And this one is five years 12 later. 13 Q. Four years later and it has the same 14 wording, for the most part, of the wording that 15 was done when it was created 30 days within that 16 well -- actually, the well was shut down 17 February 1. So that's 25 days after 634 was shut 18 down. This chronology was prepared. Isn't that 19 sufficiently close in time, sir? 20 MS. O'LEARY: Object to form and 21 foundation. 22 THE WITNESS: No. I think you are 23 trying to argue with me. But the information I 24 have seen and reviewed was that well 634 was shut 25 down in December after methylene chloride was</p>	<p style="text-align: right;">Page 217</p> <p>1 that Exhibit 20, which is 2 CLJA_WATERMODELING_09-427825 through 427827 is a 3 meeting, 2/27/85 meeting, the day after the 4 chronology document is dated, Exhibit 19. 5 A. Are we on 19 or 20? 6 Q. I think we're on Exhibit 20. I was 7 referring back to 19 because it's got that date at 8 the top. The chronology is 18. 9 Have you seen this document before? 10 A. I believe I did. 11 Q. It's not listed in your reliance 12 materials specifically as a call-out. It could be 13 covered in some of the catch-alls at the back. 14 My question you to is: Do you know for 15 certain one way or the other in forming your 16 opinions in this case, did you, in fact, review 17 this document or not? 18 MS. O'LEARY: Object to form. 19 BY MR. DEAN: 20 Q. If you don't remember, tell me. But if 21 you remember, I'd like to know. 22 MS. O'LEARY: Same objection. 23 THE WITNESS: This document looks 24 familiar to me. I believe I have seen it. 25</p>

54 (Pages 214 - 217)

<p style="text-align: right;">Page 218</p> <p>1 BY MR. DEAN:</p> <p>2 Q. If you turn to the second page, do you</p> <p>3 see on the page 826 it is Wilmington Regional</p> <p>4 Office. It's got a stamp February 7, 1985 in the</p> <p>5 right corner. Do you see that?</p> <p>6 A. I see that.</p> <p>7 Q. And at the top it says Hadnot Point</p> <p>8 Water Systems. There's a location line across the</p> <p>9 top with different dates to the right. Do you see</p> <p>10 that? So the locations are up and down the left</p> <p>11 side, and the dates are across the top on the</p> <p>12 right.</p> <p>13 A. That I see that, yes.</p> <p>14 Q. And if you go down to the bottom, in the</p> <p>15 middle, do you see the section that says "Wells</p> <p>16 out of service and could not be sampled on</p> <p>17 January 16, 1985"?</p> <p>18 Do you see that section?</p> <p>19 A. I do see it.</p> <p>20 Q. They list 610, 615, 654 and LCH 4006.</p> <p>21 Did I read that list correctly?</p> <p>22 A. I see that.</p> <p>23 Q. 634 is not listed there as being out of</p> <p>24 service, is it, sir?</p> <p>25 A. It is not listed there as being out of</p>	<p style="text-align: right;">Page 220</p> <p>1 and you go, for example, from the top, Building</p> <p>2 20, Building 20, well 601, well 602, 603, 608,</p> <p>3 634, 637, 642, 651, all of those wells were</p> <p>4 sampled. All of those wells were sampled.</p> <p>5 Those wells sampled, basically some of</p> <p>6 them were not in service. And then you have the</p> <p>7 list of the wells that were sampled.</p> <p>8 Q. 16 is not at the top.</p> <p>9 MS. O'LEARY: Object to the foundation.</p> <p>10 BY MR. DEAN:</p> <p>11 Q. 16 is not listed as a sample taken</p> <p>12 because it was out of service, nor was 615, nor</p> <p>13 was 654, nor was LCH 4006. Those are noted listed</p> <p>14 at the top on this document.</p> <p>15 A. I would like to answer, and listen to my</p> <p>16 logic. You try and pick the one you want, but</p> <p>17 listen to what is important here. Let's take, for</p> <p>18 example, well 608. Well 608 says for 1/16 it was</p> <p>19 broken. You read that; right?</p> <p>20 Q. Yes, sir. I can read.</p> <p>21 A. Does that mean it was sampled? I</p> <p>22 conclude that it does mean it was sampled. Well</p> <p>23 608, was it an active well? No. It had been had</p> <p>24 shut down before. It was never restarted, but it</p> <p>25 could be sampled. In my evaluation of this, I</p>
<p style="text-align: right;">Page 219</p> <p>1 service.</p> <p>2 Q. On a report generated or received on</p> <p>3 February 27, 1985; correct?</p> <p>4 MS. O'LEARY: Object to form.</p> <p>5 THE WITNESS: That's correct. And this</p> <p>6 is one piece of information I have looked at.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. And you discounted and didn't -- before</p> <p>9 we go there, do you see the information for the</p> <p>10 vials in the list under 1/16? Do you see there's</p> <p>11 a 1/16 date. Then there's some results listed</p> <p>12 under it.</p> <p>13 A. I see that.</p> <p>14 Q. And the location is over along the left</p> <p>15 side. Would you agree with me that this is</p> <p>16 additional information that shows that samples</p> <p>17 were taken January 16 because under January 16</p> <p>18 next to well 634, out to the right is that same</p> <p>19 reading we looked at before, 1300.</p> <p>20 A. I see that.</p> <p>21 Q. Do you agree with that?</p> <p>22 A. Yes. And if I may elaborate on this,</p> <p>23 the meaning of what you read in the record that</p> <p>24 wells out of service and could not be sampled.</p> <p>25 Now, if you look at the wells that were sampled</p>	<p style="text-align: right;">Page 221</p> <p>1 made the same conclusion for 634.</p> <p>2 Q. But this says on its face that this</p> <p>3 along with the other two documents I showed you,</p> <p>4 shows that 634 was, in fact, pumping, operating,</p> <p>5 when the samples were taken on January 16, 1985 as</p> <p>6 well as all the way through at least February 1,</p> <p>7 if not February 27 when this document was</p> <p>8 prepared.</p> <p>9 A. No. What this means is that 634 could</p> <p>10 be sampled like 608 could be sampled. We know</p> <p>11 that 608 was not in service. And what you made me</p> <p>12 read earlier is that wells out of service and</p> <p>13 could not be sampled outside those four.</p> <p>14 What is meant by that is those you could</p> <p>15 not sample. Sometimes it's because you do not</p> <p>16 have a pump that function anymore or the well has</p> <p>17 been probably abandoned, so it could not be</p> <p>18 sampled.</p> <p>19 Now, 608 was abandoned before, but it</p> <p>20 was sampled as indicated by the data. 634, I saw</p> <p>21 nothing that says that 634 was restarted after it</p> <p>22 was shut down because of methylene chloride.</p> <p>23 Q. I just shown you three documents. I'm</p> <p>24 not going to argue with you anymore about it.</p> <p>25 I'm just asking you: Does that change</p>

<p style="text-align: right;">Page 222</p> <p>1 your view with regard to whether your opinion is 2 correct that 634 was shut down temporarily January 3 12 and was thereafter was restarted? 4 MS. O'LEARY: Object to form. 5 THE WITNESS: And I explained to you 6 that you are reading words in a wishful manner for 7 what you try to express. And I am explaining to 8 you that basically I have not seen any indication 9 that well 634 was restarted for service, but it 10 could be sampled similarly to well 608 for 11 example, which we know for sure was never put back 12 in service. And by the way, the same is true for 13 well 602. 14 BY MR. DEAN: 15 Q. What is your basis to say that 634 was 16 shut down December 12 and never turned back on? 17 What is the basis for that statement? 18 MS. O'LEARY: Object to foundation. 19 THE WITNESS: The well was shut down at 20 that time because of methylene chloride. And I 21 found no indication that it was put back into 22 service. And the fact that you are trying to make 23 me admit that because it was sampled on 24 January 16, that means it was in service. 25 You have plenty of more direct evidence</p>	<p style="text-align: right;">Page 224</p> <p>1 '85. I think it goes to February 5, if you look 2 at page 2. 3 MR. DEAN: I'm sorry. You're exactly 4 right. My apologies. 5 BY MR. DEAN: 6 Q. This chart for all these wells gives 7 November 28, 1984 and continues through 8 February 5, 1985; right? 9 A. That's correct. 10 Q. And you took that chart and you've 11 created an Excel spreadsheet, and we'll talk about 12 it later on, but you used that spreadsheet to then 13 do some calculations and come up with percentages 14 of operation time at these wells; right? 15 A. That's a basis for that, yes. 16 Q. So this is not a report. Someone 17 created a summary after they went and looked at 18 some records to create this well operational 19 history document; right? 20 MS. O'LEARY: Object to foundation. 21 THE WITNESS: Somebody working there did 22 this. 23 BY MR. DEAN: 24 Q. What did you do to ascertain or 25 investigate whether the data or the information</p>
<p style="text-align: right;">Page 223</p> <p>1 that shows that 634 was not restarted. And I 2 mentioned before the document that shows the wells 3 that were on and the wells that were off between 4 November -- sometime in November all the way to 5 February 5, 1985. By November I mean November 6 1984. 7 (Hennet Exhibit 21 was marked.) 8 BY MR. DEAN: 9 Q. We're going to look at it right now. 10 Now, in your report -- I'll show you Exhibit 21. 11 I blew it up. You've seen that chart before. I 12 think that's what you're referring to; right? 13 A. That's correct. 14 Q. And you took Exhibit 21, which is an 15 operational monthly report of when these wells 16 were all -- between November 28, '84 and 17 January 6, '85; right? 18 THE WITNESS: That's right. This is 19 independent data, if you wish. 20 BY MR. DEAN: 21 Q. That you believe shows that this -- do 22 you think when this document was created, 23 Exhibit 21. 24 MS. O'LEARY: I'm sorry. I have a 25 foundation objection. I think you said January 6,</p>	<p style="text-align: right;">Page 225</p> <p>1 about what months shown on this chart these 2 different wells were operating? What work did you 3 do to verify that this chart was accurate before 4 you created your own chart? 5 A. Well, the chart -- you have information 6 for the well we know were shut down. Let's take 7 634 off the table now. 602, 608, we know when 8 that well was shut down. And we have some others. 9 By memory I don't remember them all. 10 But those wells were basically but out 11 of service, and that's documented. And they were 12 never restarted. By memory 602 608 are the ones I 13 remember right now. There are probably some other 14 ones. And when you look at this chart, one of the 15 things that I checked was, right, is this 16 consistent with that information. And it is. So 17 602 for example, I know that it was shut down 18 before November '84, and it's never on. 19 608, I know that it was shut down 20 approximately in early December, and it was never 21 on. All the ones that were contaminated, once 22 they discovered the contamination, they shut them 23 down. 24 Same for 634 now. 634 basically was 25 never on, was never on at all after December,</p>

<p style="text-align: right;">Page 226</p> <p>1 December 10. And it was off a few days before 2 because it was off. But it was never put back on 3 all the way to February 1985. 4 Q. I let you finish. I let you finish. So 5 let me ask a question. 6 A. Let me finish then. So this to me is 7 important data in that context, because it's not 8 somebody like ASTDR, like me or anyone else who 9 just generated this information. 10 Q. My question was: You rely primarily on 11 Exhibit 21, this chart someone created based on 12 some other information to create your chart on 13 page 418 in your report; right? 14 A. I basically base what have in my report 15 on this, and I made it to fit on one page. 16 Q. Second question, you mentioned some data 17 you conferred with to verify that the information 18 in the chart is accurate. 19 Do you remember what you were referring 20 to? 21 A. I thought I explained that. You have 22 information in the record that, for example -- 23 Q. Be specific. What information are you 24 referring to that you conferred or reviewed to 25 determine that you felt this chart was accurate?</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. So on Exhibit 21, the chart, beside 634 2 it shows it was operating on December 28 and 29 3 and it shows it was operating December 2, 3 and 5, 4 and then there's nothing for it throughout -- 5 A. That was too fast for me. Can you 6 repeat, please? 7 Q. For 634 it shows only on the chart that 8 634 was operating November 28, November 29, 9 February 2, 3, 4, 5 and 6, and it stops. If you 10 turn and look all the way across that, it shows it 11 wasn't operated the rest of December, wasn't 12 operating in January. And on the back, if you go 13 to 634, it doesn't show it operating at all in 14 January or February. 15 MS. O'LEARY: Object to foundation. I 16 think you just misspoke and February when you 17 meant December. 18 BY MR. DEAN: 19 Q. The well did not operate at all in 20 December according this document or January or 21 February, and that's where you got your 22 information it must have been shut down and not 23 come back on; right? 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: That is consistent because</p>
<p style="text-align: right;">Page 227</p> <p>1 That's what my question is. 2 A. For example, well 602, remember this 3 chart are for the wells that are actually used for 4 the water supply. They're water supply wells when 5 you have an X that were in use to supply the 6 water. Now, I know from the record, for example, 7 well 602 was contaminated but was shut down. 8 Q. Let me stop you there. I don't know 9 what you're referring to. You just say the 10 record. I need to know what documents you're 11 relying upon that you claim you reviewed to 12 confirm that this chart was accurate. 13 MS. O'LEARY: Object to form. 14 THE WITNESS: They are documents in the 15 record that I reviewed that basically give you the 16 date when 602 was -- 17 BY MR. DEAN: 18 Q. Can we agree we'll move on. As you sit 19 there, you believe there's records. You believe 20 you reviewed something, but you can't cite to them 21 specifically to me right now? 22 A. By memory I am describing those, but I 23 cannot just all of a sudden present them out of my 24 nose. 25</p>	<p style="text-align: right;">Page 229</p> <p>1 if it were to have been used, it will be 2 represented with X on this chart, and it was not. 3 BY MR. DEAN: 4 Q. Then, sir, go back to Exhibit 20 for me. 5 It's the handwritten memo page. 6 A. Yes. 7 Q. I think you missed a document. If you 8 look at page 2, that analysis, if you look at well 9 634 under the date 12/10, what is the 130F? 10 A. F stands for methylene chloride. 11 Q. Out beside both 12/4, 12/10 you have 12 this 130 reading; right? 13 MS. O'LEARY: I'm sorry for which well? 14 BY MR. DEAN: 15 Q. Well location 634 there's a methyl 16 chloride finding on a sample taken on 12/10; 17 right? 18 A. Methylene chloride, yes, on 12/10. 19 Q. And in order to obtain that sample, the 20 well is operating; right? 21 A. It doesn't mean it was operating. It 22 means it was sampled. 23 Q. Well, wouldn't you want to sample it 24 when the well is operating? 25 A. Actually, you sample when you can</p>

<p style="text-align: right;">Page 230</p> <p>1 sample. It doesn't have to have the well 2 operating. By operating, I mean providing water 3 to the water supply. 4 Q. If this chart you created on 418 that 5 you pulled from Exhibit 21, the historical summary 6 chart -- 7 MS. O'LEARY: That's 418 of Exhibit 3? 8 MR. DEAN: Yes. 9 BY MR. DEAN: 10 Q. You'd need to rethink your opinions, 11 wouldn't you? If this chart is wrong, Exhibit 21, 12 for which you created 418 and did some 13 calculations, if his chart is wrong, then your 14 opinions with regard to this information and 15 calculation of these well operational 16 contributions by percentages, those opinions would 17 be wrong, wouldn't they? 18 MS. O'LEARY: Object to form. 19 THE WITNESS: This is a major piece of 20 information that I considered. It's not the only 21 one. 22 BY MR. DEAN: 23 Q. I understand. But what if it's wrong? 24 What if this information you thought was accurate 25 is wrong? Would you please agree with me you</p>	<p style="text-align: right;">Page 232</p> <p>1 relaxation? I can wait a little bit more, but at 2 some point, my coffee is working. 3 THE WITNESS: We've gone a little over 4 an hour. 5 MR. DEAN: I'm fine taking five or so 6 minutes if we could. 7 THE WITNESS: Five minutes is fine. 8 MR. DEAN: Let's take a break. 9 THE VIDEOGRAPHER: We are off the record 10 at 1610. 11 (Recess from 4:10 p.m. to 4:19 p.m.) 12 THE VIDEOGRAPHER: We are on the record 13 at 1619. 14 BY MR. DEAN: 15 Q. Can you pull back out your handwritten 16 note, please, sir, Exhibit 11. 17 A. Got it. 18 Q. And also out beside your report. We're 19 going to go to page 5-7. 20 A. Can you repeat, please? 21 Q. In your report page 5-7. We're talking 22 about volatilization losses at Hadnot Point water 23 treatment plant; right? On Exhibit 2-4 you did 24 some calculation work? 25 MS. O'LEARY: I'm sorry. What's Exhibit</p>
<p style="text-align: right;">Page 231</p> <p>1 would need to go back and look at your opinions? 2 MS. O'LEARY: Object to form. 3 THE WITNESS: You're asking me to 4 speculate that this is wrong. 5 BY MR. DEAN: 6 Q. I'm saying I want you to assume it's 7 wrong. 8 A. If you assume anything is wrong, if it 9 is wrong, then I would consider that and see if it 10 affects my opinion or not. 11 Q. What if some of these wells that shows 12 they're not operating on this chart are, in fact, 13 operating. Wouldn't that call into question this 14 chart that you relied upon for your calculations? 15 Yes or no. 16 MS. O'LEARY: Object to form. 17 THE WITNESS: That depends which 18 information you would show me. Is that 19 information that a well was sampled? For me, if 20 you show me information that the well was sampled, 21 it doesn't mean it was actually being pumped 22 through the water supply at the time. 23 BY MR. DEAN: 24 Q. Let's relax and go to something else. 25 A. Can we take a break sometimes for</p>	<p style="text-align: right;">Page 233</p> <p>1 2? Excuse me. I'm just confused. 2 BY MR. DEAN: 3 Q. Page 5-7. It's also at the top called 4 Exhibit 2-4 in your report; right? 5 A. Yes. Exhibit 2-4 is actually starting 6 on 5-6. 7 Q. How did you do those calculations? 8 A. I applied a formula that I describe in 9 an appendix to my report. 10 Q. And you started with 1000 parts per 11 billion, and you say that the treatment process 12 removes like 30 percent; is that right? 13 MS. O'LEARY: Object to foundation. 14 THE WITNESS: No. I did do everything 15 in percent. I started at 100 microgram per liter 16 and then basically taking 100 percent and then 17 that's what you reduced. 18 BY MR. DEAN: 19 Q. I'm sorry. You took 100 percent, 20 started with that. You took out 30 percent for 21 treatment process; right? 22 MS. O'LEARY: Object to foundation. 23 THE WITNESS: Where is that, please? 24 BY MR. DEAN: 25 Q. I'm trying to get you to explain to me</p>

<p style="text-align: right;">Page 234</p> <p>1 how you did the calculations that are shown on 2 Exhibit 2-4. Starting with 100 percent, how did 3 you do these calculations? 4 A. In a manner similar to what was done in 5 the AH report basically for the different 6 elements, if you wish, of the storage treatment 7 and water towers. 8 Q. You started with 100 percent. How much 9 do you believe the treatment process reduces the 10 volatilization losses? 11 MS. O'LEARY: Object to form. 12 THE WITNESS: As a whole? 13 BY MR. DEAN: 14 Q. Yes, sir. 15 A. For which compound? 16 Q. Did you apply a constant percentage of 17 30 percent to volatilization losses -- let me ask 18 it this way. 19 Your overall -- on Exhibit 2-4 under 20 TCE, your overall evaporative removal at the very 21 bottom comes out to be 17.07. 22 Do you see that? 23 A. I see that. 24 Q. And if you add up these percentages, I 25 believe, they -- do you know what they total?</p>	<p style="text-align: right;">Page 236</p> <p>1 MS. O'LEARY: Object to foundation. 2 BY MR. DEAN: 3 Q. They didn't do it daily? 4 A. The ASTDR model reported their results 5 as monthly averages. 6 Q. Your chart we talked about earlier that 7 you created is basically two full months? 8 A. This one? 9 Q. Yes, sir. 10 A. This is the information we have on which 11 wells were on, which wells were off for a period 12 of 69 days. 13 MS. O'LEARY: For the record, we're 14 referencing 21? 15 MR. DEAN: Yes. 16 THE WITNESS: As shown in Exhibit 21. 17 BY MR. DEAN: 18 Q. Do you believe that it's representative 19 of the true nature of well pumping and 20 contributions of these various wells look at just 21 one month? 22 MS. O'LEARY: Object to form. 23 THE WITNESS: That's not one month. 24 It's more than two months. 25</p>
<p style="text-align: right;">Page 235</p> <p>1 MS. O'LEARY: Object to foundation. 2 THE WITNESS: I am not sure I understand 3 your question. What this 17 percent is is the sum 4 of the numbers that are in bold in the table for 5 each chemical. This one in particular would be 6 for TCE. 7 I want to add something. Those 8 calculated results are for the system and do not 9 include the operation of the recarbonization 10 basin. I didn't put any value on that or it does 11 not include other type of losses. This is 12 evaporative losses as it is today, if you wish, or 13 as it was when the recarbonization basin at Hadnot 14 Point water treatment plant was not operating and 15 the period of operation for the recarbonization 16 basin when it was used for its purpose is unknown. 17 BY MR. DEAN: 18 Q. Thank you for that. We'll circle back 19 to this in a minute. Let's talk about stressor 20 periods. 21 A. Stressor periods. 22 Q. So the stressor period that ATSDR did in 23 calculating and doing its water modeling, they use 24 one month and look at all this well information; 25 right?</p>	<p style="text-align: right;">Page 237</p> <p>1 BY MR. DEAN: 2 Q. Do you think that's sufficient to look 3 at two months of data in December of '84 and 4 January of '85 to analyze this issue about the 5 contributions of these various wells to the 6 pumping operations? 7 MS. O'LEARY: Object to form. 8 THE WITNESS: This is the data that is 9 available. And I will comment on this in the 10 sense that during this period of time, you had 11 less wells available for pumping because some of 12 them had been closed because of contamination, 13 which implies that the other wells had to 14 compensate for that. So that information probably 15 exaggerates -- not exaggerates -- but gives a 16 relative on and off period for the well that is -- 17 you had less wells. So you had do operate the 18 wells a little bit more to compensate for that. 19 BY MR. DEAN: 20 Q. Do you remember -- well, you made the 21 mention about wells coming off line. You know 22 that new wells were put in as well in this same 23 timeframe; right? Have you seen that data? 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: I don't recollect the date</p>

<p style="text-align: right;">Page 238</p> <p>1 of new wells you would be talking about. But 2 there were new wells, especially -- probably -- I 3 do not know the date of the new wells by memory, 4 but there were some, and I believe they were 5 either for Hadnot -- Holcomb Boulevard system came 6 later as far as Hadnot Point system was concerned. 7 BY MR. DEAN: 8 Q. If new wells were coming online 9 hypothetically at a particular water treatment 10 plant area, that sort of changes the history or 11 what's going on with pumping because you're taking 12 some off line and then you're bringing on some new 13 ones. And if all this is occurring at the same 14 time, it could artificially not represent the true 15 history of what might have been taking place 16 previously with respect is to certain wells. 17 Do you see what I'm saying? 18 MS. O'LEARY: Object to form. 19 THE WITNESS: I understand what you are 20 saying and I understand you are talking about the 21 tools in that sense, and nobody knows for the past 22 except this period of time, which is data in my 23 opinion. 24 BY MR. DEAN: 25 Q. And you think it's okay just to look at</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. Right. But I mean they're citing -- let 2 me ask you this: Do you not trust any of the 3 historical information that was completed by 4 ATSDR? And they've even footnoted where they got 5 the information from, including Scott Williams, a 6 June 6, 2008 email about well runs from Scott 7 Williams. 8 Do you not just the information that's 9 on this chart? 10 MS. O'LEARY: Object to form. 11 THE WITNESS: It is trust, but verified. 12 I do not care who did what. I just go always to 13 the original document that's close to that that 14 and I can do, and I consider everything in 15 between. 16 BY MR. DEAN: 17 Q. And the capacity for which this well was 18 originally drilled and -- I don't know if 19 certified is the right word, but capacity in 20 gallons per minute was 323 at the top. 21 Do you see that? 22 A. That's capacity of the well at 23 construction, yes. 24 Q. And well capacity test was performed 25 again 9/5/85 it's at 320. 1986 it's 320. 1988,</p>
<p style="text-align: right;">Page 239</p> <p>1 these two months even though at the same time of 2 these two months, some wells are coming off and 3 others are potentially coming on? 4 MS. O'LEARY: Object to foundation. 5 THE WITNESS: This is the data that is 6 available. 7 (Hennet Exhibit 22 was marked.) 8 BY MR. DEAN: 9 Q. I'll show you Exhibit 22. Do you see 10 that HP-622 -- let me just for the record, 11 Exhibit 22 is CLJA_WATERMODELING_05-826091 through 12 826118. 13 Do you see that HP-622, Hadnot Point, 14 new well 622 put in 5/19/82 the construction was 15 completed. And on 6/1 there's a note that it went 16 in service. Do you see that? 17 MS. O'LEARY: Object to foundation. 18 BY MR. DEAN: 19 Q. Do you see that? 20 A. I don't see the last part, but you have 21 to be patient with me. 22 Q. At the top, 5/19/83, construction 23 completed. 6/1/84 it's in service. 24 A. I see that on this document, which is 25 from the ATSDR, I believe.</p>	<p style="text-align: right;">Page 241</p> <p>1 290. 1988, 330. Do you see that? So it's 2 consistently in the 320, 330 range; right? 3 A. For this well, it is. 4 Q. Now, if you turn to well 623, its 5 construction was, I guess, about the same day, a 6 few days off. May 25 it says it was completed. 7 Its capacity was originally 360. It went in 8 service August of 1984 according to operation 9 records. 1985 it's got a well capacity test of 10 242. 11 Do you see that? 12 A. 1985 I see that 242 capacity. 13 Q. Turn to the next page Bates-stamp ending 14 97. The next one HP-628 (new). Do you see that 15 new well went in 6/1/1984 construction completed. 16 I guess there's some capacity reading of 160 in 17 October 1984. 18 Do you see that? 19 A. I see that. 20 Q. Turn to the next well, well HP-660, that 21 one, construction was completed in July of '83. 22 Capacity test or whatever result in service 23 7/1/84, and it had I guess a capacity test 24 previously at 151 in November of '83. 25 Do you see that?</p>

60 (Pages 238 - 241)

<p style="text-align: right;">Page 242</p> <p>1 A. I see that. That's the only capacity 2 test. 3 Q. Agree with you. 4 A. And it was put out of service and later 5 abandoned. 6 Q. Correct, 1994. HP-661, drilled in March 7 of '83. In service August of '84. Well capacity 8 test October 26, '84 was 280. 9 Do you see that? 10 A. I see that. 11 Q. And the last one is 662, last page 12 ending 118. Says it was in service August of '83. 13 Well capacity test October of '83 146. In service 14 November 1984. Another well capacity test August 15 of '85 at 168. 16 Do you see that? 17 A. I see that. 18 Q. So going back to my question, with all 19 of those wells contributing, if you add them all 20 up, over 988 gallons per minute in addition to the 21 raw water supply, do you really think looking at 22 the two months that you looked at still are 23 representative of well cycling? 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: What we talked about on</p>	<p style="text-align: right;">Page 244</p> <p>1 BY MR. DEAN: 2 Q. For 602, and I believe it's in the 3 records, there were well tests of 602 December of 4 '84 and January '85 to locate the sources of 5 contamination; right. 6 MS. O'LEARY: Object to foundation. 7 THE WITNESS: What do you mean by well 8 test? 9 BY MR. DEAN: 10 Q. If you take a look at Exhibit 15, it's 11 the chart with all the well tests summarized. 12 It's Exhibit 15, ATSDR table. You can use mine. 13 A. I'd love to find mine so you can keep 14 yours. Got it. 15 Q. Do you see beside HP-602 all of the 16 testing that was done in November and December 17 checking for contamination? 18 A. I see that. We're talking about 19 chemical tests, I mean sampling and laboratory 20 analysis of chemicals. Just before we were 21 talking about capacities. 22 Q. Would those tests have affected pumping? 23 MS. O'LEARY: Object to the foundation. 24 BY MR. DEAN: 25 Q. Operations.</p>
<p style="text-align: right;">Page 243</p> <p>1 this sheet, it tells you which wells were on, 2 which wells were off. A well can be in service 3 and but not being bumped. 4 BY MR. DEAN: 5 Q. Are you aware that November 30, 1984 the 6 Navy received test results for 22 sampled wells, 7 that well 602 was contaminated with benzene and 8 that that initiated additional plans for further 9 testing? 10 Do you remember that fact? 11 A. What was the date you mentioned? 12 Q. December 30, 1984. 13 MS. O'LEARY: Object to foundation. 14 THE WITNESS: I don't recall the exact 15 date, but during that time, well 602 was shown to 16 be contaminated and was basically shut down. 17 BY MR. DEAN: 18 Q. And that finding initially would have 19 resulted in some additional testing and the well 20 shut down? 21 MS. O'LEARY: Object to foundation. 22 THE WITNESS: Yes. The evaluation by 23 the base went step-wise. They were trying to 24 understand the problem. 25</p>	<p style="text-align: right;">Page 245</p> <p>1 MS. O'LEARY: Object to form. 2 THE WITNESS: Test affected pumping? 3 The sampling of a well may be done when the well 4 is actually supplying water or when a well is not 5 supplying water if you have a pump that works that 6 is (indecipherable). 7 BY MR. DEAN: 8 Q. And that well was shut down, 602 was 9 shut down after those contamination results were 10 received in December of '84; correct? 11 MS. O'LEARY: Object to foundation. 12 THE WITNESS: My understanding, it was 13 shut down because contamination was reported. 14 BY MR. DEAN: 15 Q. Would the fact 602 being shut down not 16 impact pumping schedules for the other wells? 17 MS. O'LEARY: Object to form. 18 THE WITNESS: That depends if the well 19 was in use or not. But, of course, you had one 20 less well for the supply when they shut down that 21 well. 22 BY MR. DEAN: 23 Q. When you shut down one well and you got 24 so many people on base, doesn't it potentially 25 impact pumping operations at other wells?</p>

<p style="text-align: right;">Page 246</p> <p>1 A. Yes, it does. You either have to pump 2 the one you have for a longer time or you have to 3 add wells. 4 Q. What information would you need, going 5 back to Exhibit -- going back to the well service 6 for the couple months that we've been talking 7 about record that you used to create your chart, 8 what records would you need to look at if you 9 wanted to enhance this analysis to look and see 10 about what was going on with well operations 11 either before or after these time periods? 12 What sort of records would you need? 13 MS. O'LEARY: Object to form. This is 14 Exhibit 21. 15 THE WITNESS: It doesn't exist to my 16 knowledge, because I have looked for. And for the 17 time prior to this, you basically have -- if any 18 record, you basically have nothing all the way to 19 1942. You know the number of wells, more or less, 20 that you had that were potentially in service. 21 But you do not know if were they pumping or which 22 group of wells were pumping. 23 (Hennet Exhibit 23 was marked.) 24 BY MR. DEAN: 25 Q. I'll show you what I'm going to mark as</p>	<p style="text-align: right;">Page 248</p> <p>1 capacity or constructed with a capacity rating of 2 200 gallons per minute; right? 3 A. It was tested at the capacity of 4 200 gallons per minute with a set pump at a given 5 elevation. We were given horsepower. 6 Q. 1977 well capacity test. It says 190. 7 1979, well test capacity test is the 167. 1980, 8 capacity 178. 1981 it goes up to 232. 1983 it 9 goes up to 239. And October 29, 1984, it's 10 pumping at its highest rate, 242, according to 11 this information; correct? 12 A. According to this, it is correct. And I 13 have looked at the information for this well as 14 well. 15 Q. And in your report, you opined that 16 HP-651 is only operating 39 percent of the time 17 based on your calculations and using the 18 spreadsheet you created from the historical record 19 of operation of these various wells, Exhibit 21; 20 right? 21 MS. O'LEARY: Object to foundation. 22 THE WITNESS: That's the data I have and 23 that's the data I used. 24 BY MR. DEAN: 25 Q. If it's pumping all of those historical</p>
<p style="text-align: right;">Page 247</p> <p>1 Exhibit 23. This is some historical information 2 about well capacity, operational history for 3 HP-651. Do you see that? It's Bates-stamped 4 CLJA_WATERMODELING_05-826112. 5 A. I see this is again from the ATSDR 6 report. 7 Q. Yes, sir. You see like some of the 8 other ones we've looked at, this information down 9 at the bottom under the footnotes, you see there's 10 footnote number three. For example, under that it 11 lists all the data sources for which this 12 information came including operation records. 13 Do you see that? 14 A. Number three? 15 Q. Footnote three. 16 A. AH Environmental Consultants, Inc., 17 electronic communication, September 3, 2004. 18 Q. Now, you see that well was constructed 19 in 1971. Do you see that? 20 A. I see that. 21 Q. It says it went in service in '72. And 22 I think you got that in your report. Do you 23 remember that? 24 A. Yes, I do. 25 Q. And it was originally marked with a</p>	<p style="text-align: right;">Page 249</p> <p>1 timeframes where it was tested, does it really 2 make sense that it's only pumping at 39 percent? 3 MS. O'LEARY: Object to foundation. 4 BY MR. DEAN: 5 Q. According to your calculations? 6 A. 39 percent of the time? 7 Q. That's right. 8 A. This is what the data supports. 9 (Hennet Exhibit 24 was marked.) 10 BY MR. DEAN: 11 Q. Now, again so you and I can see it 12 better, I took your page 4-18, which is your Excel 13 spreadsheet graph, and this is Exhibit 24. It's 14 that same page out of your report. It says in 15 your report under that chart Exhibit I-9, 16 Frequency of Use of Supply Wells, November 28, '84 17 to February '85. And your conclusion, Supply well 18 HP-651 was on for 27 out of 69 days, and that gave 19 you an average pumping frequency of .39; right? 20 A. That's correct. 21 Q. And that is the basis for your opinion 22 that this HP-651 was only pumping 40 percent of 23 the time or thereabouts? 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: That's it, yes.</p>

<p style="text-align: right;">Page 250</p> <p>1 (Hennet Exhibit 25 was marked.)</p> <p>2 BY MR. DEAN:</p> <p>3 Q. Now, I'll show you Exhibit 25. And that</p> <p>4 document is an email from Anita Short at the top.</p> <p>5 It was a document found in the CAGE, identified as</p> <p>6 CLJA_USMC_CAGE_350325 through 345. You see the</p> <p>7 subject line of all these emails is the same. It</p> <p>8 says HP & HB Well Pumps: January to June 1980.</p> <p>9 Do you see that?</p> <p>10 A. I see that.</p> <p>11 Q. Now, I didn't see this document listed</p> <p>12 on your reference materials specifically called</p> <p>13 out, although I think it might potentially --</p> <p>14 while I'm doing that, just confirm if it's in the</p> <p>15 catch-all.</p> <p>16 Do you remember ever seeing that</p> <p>17 document before?</p> <p>18 A. I may if it is -- I may have seen it,</p> <p>19 but it seems to be indicating some water levels.</p> <p>20 Q. In order to get these water levels,</p> <p>21 would you agree with me the well has to be</p> <p>22 pumping?</p> <p>23 A. No. Some of them when you have a 3-foot</p> <p>24 water level, it's probably not pumping, 3-foot</p> <p>25 draw down as it's called.</p>	<p style="text-align: right;">Page 252</p> <p>1 8188.</p> <p>2 BY MR. DEAN:</p> <p>3 Q. Right now I'm asking the question about</p> <p>4 age 7944. Do you see well data, monthly well</p> <p>5 pumping data for Hadnot Point, well 651, for July</p> <p>6 on that particular page, August, September?</p> <p>7 A. This does not give you pumping values.</p> <p>8 It just tells you that during those months, the</p> <p>9 well that we are talking about were used. That</p> <p>10 doesn't mean they were used all the time. Of</p> <p>11 course, they were not.</p> <p>12 Q. I understand, but that's some</p> <p>13 information that on that particular month that</p> <p>14 well 651 was operated at sometime. We don't know</p> <p>15 the exact date?</p> <p>16 A. Exactly. But what this tells you as</p> <p>17 well is for 651 is that it was not operated in</p> <p>18 October of that year at all.</p> <p>19 Q. Let's go back to -- where do you see</p> <p>20 that? Show me what page you're looking at.</p> <p>21 A. We were looking at page 7944.</p> <p>22 Q. I agree 100 percent. October it's not</p> <p>23 working at all?</p> <p>24 A. At least it's not reported.</p> <p>25 Q. Did you consider this information at all</p>
<p style="text-align: right;">Page 251</p> <p>1 Q. If you go to well 651, which will be on</p> <p>2 page 29, it's about the third page in, you see</p> <p>3 well 651, the January 1980, that first record, you</p> <p>4 say it says stat 25 foot, pump a hundred, draw</p> <p>5 down 75. Do you see that?</p> <p>6 A. I see that.</p> <p>7 Q. If you look across that, you see in</p> <p>8 February, March, April, May it shows all those</p> <p>9 lines filled out and it's pumping?</p> <p>10 A. It's pumping sometime during that period</p> <p>11 of time; right.</p> <p>12 (Hennet Exhibit 26 was marked.)</p> <p>13 BY MR. DEAN:</p> <p>14 Q. I'll show you Exhibit 26. This is</p> <p>15 CLJA_USMC_CAGE_67935 through 68188. This document</p> <p>16 is not listed in your reliance materials</p> <p>17 specifically. But do you see that it starts in</p> <p>18 1978 at the beginning on that second page at the</p> <p>19 top?</p> <p>20 A. I see that.</p> <p>21 Q. If you turn about four pages in till you</p> <p>22 get to the well 651, do you see some operational</p> <p>23 data in the information there?</p> <p>24 MS. O'LEARY: What's Bates-stamp?</p> <p>25 MR. DEAN: CLJA_USMC_CAGE_67935 through</p>	<p style="text-align: right;">Page 253</p> <p>1 in forming your opinions about what months --</p> <p>2 scratch that.</p> <p>3 If you look through this entire exhibit,</p> <p>4 do you see that it goes all the way through July</p> <p>5 of 1983, December?</p> <p>6 MS. O'LEARY: Objection. Foundation.</p> <p>7 BY MR. DEAN:</p> <p>8 Q. Do you see on the last page, page 68188,</p> <p>9 is July of '83 to December of '83?</p> <p>10 MS. O'LEARY: Object to foundation.</p> <p>11 THE WITNESS: That page does not inform</p> <p>12 me on 651. But that page goes to December 1983</p> <p>13 but for some wells at different places. So that's</p> <p>14 fine. I see you probably have it under Hadnot</p> <p>15 Point.</p> <p>16 BY MR. DEAN:</p> <p>17 Q. Here it is. It's going to be on page</p> <p>18 68148, well 651. The previous page, 68146, began</p> <p>19 January of '83. Do you see that?</p> <p>20 A. I am on 68146.</p> <p>21 Q. Do you see 1983 Hadnot Point at the top?</p> <p>22 A. I see that.</p> <p>23 Q. And the next page, which for whatever</p> <p>24 reason, there's a Bates -- my next page says</p> <p>25 68148.</p>

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<p style="text-align: right;">Page 254</p> <p>1 MS. O'LEARY: That's what I have as 2 well. I don't have a 7. 3 MR. DEAN: I don't know what's going on 4 there at all. 5 BY MR. DEAN: 6 Q. But you see 651? 7 A. I see that, yes. 8 Q. January through June? 9 A. Right. 10 Q. July through December is on about three 11 page over beginning page 54. 12 A. Yes. It goes all the way to December. 13 And I believe if you follow the logic of this, it 14 would be '83. 15 Q. So we have some information for all of 16 those months, 1978 through January of '84 where 17 well 651 is pumping. I'm not sure how many days. 18 But it's pumping at least one day. And you didn't 19 consider that evidence in forming your opinions 20 that the well is only operating 39 percent of the 21 time? 22 A. I have never said that well 651 was not 23 a water supply well during the period 1972 until 24 it was shut down in 1985. It was available. 25 Those sheets are consistent with that, but I did</p>	<p style="text-align: right;">Page 256</p> <p>1 BY MR. DEAN: 2 Q. Well, Dr. Brigham assumed that all you 3 water buffaloes were M107s or if they all -- if 4 they had other models, that they were being filled 5 through the filler neck; right? 6 MS. O'LEARY: Object to foundation. 7 BY MR. DEAN: 8 Q. That what he says in his historical 9 expert opinion report, that these water buffaloes 10 were filled through the filler neck. 11 MS. O'LEARY: Object to form and 12 foundation. 13 THE WITNESS: You have to show me where 14 he says that because I don't recall that. 15 BY MR. DEAN: 16 Q. Well, you relied upon that up until the 17 time you issued your report to support certain 18 opinions about volatilization. And after 19 Dr. Sabatini provided his report, you then went 20 back out there February 11 and did your work 21 including filling a water buffalo; right? 22 MS. O'LEARY: Object to foundation. 23 THE WITNESS: When I made my calculation 24 for the fill up of a water buffalo, I had a 25 diagram of a water buffalo and I filled it up</p>
<p style="text-align: right;">Page 255</p> <p>1 not give you a frequency of use. 2 Q. Do you agree that if you took into 3 consideration those operational months, it would 4 expand potentially the time periods to consider 5 for reaching your calculation of 39 percent using 6 only two months versus five years of well 7 operational history? 8 MS. O'LEARY: Object to form and 9 foundation. 10 THE WITNESS: I will re-answer. This 11 information shows that the well was available for 12 that period that is documented in this Exhibit 26. 13 But that doesn't give you a frequency of use. 14 BY MR. DEAN: 15 Q. Now, let's go to something else, talk 16 about water buffaloes. When you read 17 Dr. Sabatini's report, you realized that 18 Dr. Brigham had made a mistake about how the water 19 buffaloes were filled back in the day as far as 20 what hatch or location they were filled; right? 21 MS. O'LEARY: Object to foundation. 22 THE WITNESS: I don't see what mistakes. 23 My recollection is Dr. Brigham just showed water 24 buffaloes, several types of water buffaloes that 25 were used at the base at the time.</p>	<p style="text-align: right;">Page 257</p> <p>1 through the filler pipe for my calculation. And 2 then I made that calculation. And then I just saw 3 the expert report that rebutted my report by 4 Dr. Sabatini in which he basically agrees with me 5 on the methodologies. But there he just also 6 included two affidavits that I had seen before 7 that says that the water buffaloes, at least some 8 of them, were filled up through the manhole. I 9 understand that, and that one of the reasons I 10 went back to the base to basically evaluate that. 11 BY MR. DEAN: 12 Q. When you issued your report in 13 December 2024, December 9, 2024 when you issued 14 your original report, did you do anything at that 15 time to verify any of the data in Dr. Brigham's 16 report? 17 MS. O'LEARY: Object to foundation. 18 THE WITNESS: I wrote my report. 19 BY MR. DEAN: 20 Q. Can you answer my question yes or no. 21 Did you do anything to verify his data 22 when you first saw his report before you prepared 23 yours? 24 MS. O'LEARY: Object to form and 25 foundation.</p>

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<p style="text-align: right;">Page 258</p> <p>1 THE WITNESS: I did not do anything to 2 verify Dr. Brigham report, which basically came at 3 the same time as mine. And I made my calculation 4 as I explained in my report. 5 BY MR. DEAN: 6 Q. In your report, you did your 7 calculations based on Dr. Brigham's report saying 8 that they were filled through the filler neck; 9 right? 10 MS. O'LEARY: Object to foundation. 11 THE WITNESS: You will have to show me 12 where and what Dr. Brigham says about that if he 13 said it as you tried to insinuate, that they were 14 only filled up through the filler. I don't recall 15 reading that. So you have to show me that, and I 16 will be able to answer. 17 BY MR. DEAN: 18 Q. You assumed when you wrote your report 19 on volatilization issues about the water buffaloes 20 you relied on Dr. Brigham's report. And I can 21 represent to you he says in the report they were 22 filled through the filler neck, and that's what 23 you have in your report. 24 MS. O'LEARY: Object to foundation. 25 THE WITNESS: You have to show me</p>	<p style="text-align: right;">Page 260</p> <p>1 hoses, if you wish. They are not a garden hose. 2 Those hoses are full pressure hoses that can 3 deliver 100, 200 gallon per minute. 4 Q. You went back on February 11 and you 5 evidently filled up a water buffalo with a hose 6 because I've seen in it photos; right? 7 A. I did not fill it up myself. I 8 witnessed the fill-up of a water buffalo by the 9 base personnel. 10 Q. Did you time -- not time -- did you 11 videotape the filling of the water tank? 12 A. I did not videotape it. I took many 13 pictures as it was being filled up. And I did 14 time the time it took to fill up that water 15 buffalo at that stage. 16 Q. What did you use to record that time? A 17 watch? A stopwatch? 18 A. I asked specifically counsel stopwatch. 19 And I said start and at the end I say end. And I 20 was on the top of the water buffalo taking 21 pictures. 22 Q. Did you record somehow that stopwatch by 23 the Department of Justice employee or lawyer to 24 see if they actually started and stopped the watch 25 when you told them to? Did you do anything to</p>
<p style="text-align: right;">Page 259</p> <p>1 Dr. Brigham's report where he says that because I 2 don't recollect that specifically, not that it 3 really matter for my opinion. 4 BY MR. DEAN: 5 Q. So you go back and you do this work. 6 How does that either change your opinions about 7 how these water buffaloes were -- the 8 volatilization of the water buffaloes? 9 A. You are going to have volatilization 10 losses when a water buffalo is being filled up. 11 Q. Let me ask you this. 12 A. I am not finished. 13 Q. Let me withdraw the question. 14 A. I am not finished. 15 Q. I'm withdrawing the question. It's my 16 question. I'm trying to get us out of here on a 17 timely basis. Okay? 18 Did you do any work before you issued 19 your first report to that determine how long it 20 takes to fill a water buffalo either through the 21 filler neck or the manhole cover? 22 A. I didn't make a specific calculation 23 because I didn't have time of fill up. But my 24 understanding was that it goes relatively fast 25 because we are dealing with big filling pipes or</p>	<p style="text-align: right;">Page 261</p> <p>1 record this timing of the filling? 2 A. It was reported to me as 3 minutes and 3 23 seconds, which is consistent with whatever 4 Dr. Sabatini says about filling up through a 5 manhole. 6 Q. When you did this experiment or document 7 the timing, did they fill it through the filler 8 neck or the manhole cover? 9 A. It was filled through the manhole. 10 Q. And did you all tell him how to fill the 11 water buffalo? 12 A. I did not. 13 Q. Did he stay on top of the water buffalo 14 holding on the hose for the 3 minutes and 23 15 seconds to fill the water buffalo? 16 MS. O'LEARY: Object to form. 17 THE WITNESS: Who is "he"? 18 BY MR. DEAN: 19 Q. Whoever filled the water buffalo as 20 shown in the photos. 21 A. Yes. There two personnel from the base, 22 two Navy Marines. And one of them was basically 23 holding the hose and filling up. The other one 24 was basically handling the shutoff valve and 25 shut-on valve. I was on the other side of the</p>

<p style="text-align: right;">Page 262</p> <p>1 water buffalo observing and taking pictures. 2 Q. Did you have an iPhone that you were 3 taking picture on? 4 A. I think I took them with my company 5 camera. 6 Q. Did you have the capacity, you or the 7 DOJ lawyer with you, to record the video if you 8 had wanted to? 9 A. Well, I took a lot of pictures of that 10 filling up. 11 Q. Could you have videotaped it if you 12 wanted to? 13 A. I was not permitted to videotape. I 14 wanted to take photographs and I did. And for me 15 as an expert for that, this is sufficient 16 information to support my conclusions. 17 Q. My question is not that. 18 Did your phone have the capability or 19 the DOJ's lawyer to videotape? 20 A. My private phone has that capability. 21 Q. So when you had the Marine stick the 22 hose, did he hold it up at a certain level, or did 23 he drop it all the way into the tank? How did he 24 handle the hose? 25 A. My recollection, and that can be seen on</p>	<p style="text-align: right;">Page 264</p> <p>1 Did you have any discussions with 2 anyone, whether it be someone with the Marines or 3 the NRC, a lady named Susan Martel whose 4 deposition you read. Did you talk to anybody 5 about the formation of that committee back in 6 2006, '7, '8? 7 A. I do not recall such discussion, and I 8 don't know that person Martel you mentioned is. 9 You suggested that I read that deposition. I do 10 not know. You will have to show it to me. 11 Q. You don't remember reading Susan 12 Martel's as you sit there today? 13 A. As I sit here today, I have read a lot 14 of depositions and I do not associate names, this 15 name, to anything that I have seen unless you were 16 to show me the documents you are talking about. 17 Q. How many water modeling hydrogeology 18 experts do you remember that served on that NRC 19 committee panel? 20 A. I have no recollection or understanding 21 of that. 22 Q. Let's talk about travel time of 23 contaminants at TT-26. In your report 5-15 -- I 24 believe your report is Exhibit 3 -- 5-15 you say 25 it's 15 to 25 years travel time for PCE from the</p>
<p style="text-align: right;">Page 263</p> <p>1 the pictures. Basically the hose is partially 2 inside, but it's still under water. It is above 3 the water level in the tank. 4 Q. Well, did he start with the hose all the 5 way at the bottom and then pull it up as it comes 6 out, or did he leave it in there and let the water 7 buffalo fill up and then when it got to the top, 8 pulled it out then? How did he handle the hose? 9 A. He was holding the hose, to the best of 10 my recollection, and that's documented in the 11 picture. The end of the hose, if you wish, was 12 basically always above the water level in the 13 tank. 14 I want to say one more thing. It is 15 possible that some of the picture I took with my 16 cell phone because at the time, there was some -- 17 because it was cold and raining, if I recall, you 18 get some fog on the camera I had. So I don't know 19 if it was -- that's kind of what I recall. I 20 wanted to put that in the record. 21 Q. Let's move to different subject. NRC 22 review report issued in 2009, did you play any 23 role in any aspect of the start of that report, 24 assisting with getting -- identifying who might be 25 a good person to be the panel?</p>	<p style="text-align: right;">Page 265</p> <p>1 dry cleaners to TT-26; right? 2 MS. O'LEARY: Object to foundation. 3 THE WITNESS: Can you repeat, please? 4 BY MR. DEAN: 5 Q. Yeah. Let me ask you a question I 6 forgot to ask you at the end of the last one about 7 the water buffalo. 8 I didn't see anything. You haven't done 9 any new calculation based on the observations you 10 made when you were filling the water buffalo on 11 2/11? 12 A. I have not done calculations, but I have 13 basically looked at some EPA information that 14 gives information on, for example, when I saw the 15 water buffalo being filled up with aeration, I 16 say, well, the best comparison to that would be 17 faster fill-up, but it would be much less 18 aeration, if you wish, because I have seen 19 bathtubs being filled up. 20 And I considered that, and I say, well, 21 with the large amount of aeration that I observed 22 when the water buffalo was filled up in 3 minutes 23 and 23 seconds or so for 400 gallons, you have a 24 lot of aeration. And I estimated that, yeah, 25 substantial loss that is comparable to what I</p>

<p style="text-align: right;">Page 266</p> <p>1 calculated for the strainer. That's basically -- 2 I didn't do calculations, but I did for myself an 3 evaluation of that. 4 BY MR. DEAN: 5 Q. So travel time for contaminants at 6 TT-26, on page 5-14, you state, "The release of 7 waste materials containing PCE at ABC Cleaners was 8 gradual." Okay? Do you see that? 9 A. I don't see that, but I believe I say 10 that. Can you tell me where it is? 11 Q. Second sentence in the last paragraph at 12 the bottom. "ABC Cleaners started operations in 13 mid 1954. The release of waste materials 14 containing PCE at ABC Dry Clearance was gradual." 15 Footnote 86. And you're citing to a North 16 Carolina Department of Resources Community 17 Development report by Rick Shiver. 18 Do you see that? 19 A. I see that. 20 Q. And then page 5-15, you opine in the 21 bottom paragraph that the PCE travel time between 22 ABC Dry Cleaners and TT-26 are in the 15 to 23 25-year range. And you've got a chart on page 24 5-16 where you -- the next page, Dr. Hennet -- 25 where you illustrate in Exhibit 3-1 those travel</p>	<p style="text-align: right;">Page 268</p> <p>1 the retardation for those travel time. I relied 2 on the site-specific data that the ATSDR did not 3 consider even though it did exist. 4 So nobody knows what happened in the 5 domain where you have no data with any degree of 6 reasonable scientific certainty. You have many 7 ways that you can calculate travel times to arrive 8 to a well. 9 The thing I want to say, in this case, 10 you are trying to calculate travel times for a 11 period of 30 years during which you have zero data 12 for the contamination arriving at the well. And 13 you have two or three years -- well, you have some 14 data, and that data is a huge portal, if you wish, 15 because it has a huge range. It goes from zero to 16 hundreds. 17 So ultimately you have many ways to get 18 through that portal. This is one way. This way 19 here, is there's no fundamental error like in like 20 ATSDR has. It's a Tawara Terrace model. And it 21 is actually something that is -- that I would rely 22 on to give you what is a range, a reasonable 23 range, and that's what I did. 24 Q. How, if at all, did your methodology 25 take into account the cone of depression that</p>
<p style="text-align: right;">Page 267</p> <p>1 times. 2 Do you see that? 3 A. Yes. That's an illustration. And 4 details of this is provided as an attachment to my 5 report. 6 Q. How did you choose those three travel 7 pathways at 25, 20 and 15? 8 A. Well, I calculated the time it would 9 take for the contaminant PCE dissolved in 10 groundwater to travel to the well from ABC 11 Cleaner, and I used as a basis a simplified setup 12 which is the same as the ATSDR model used, the 13 same layers, the same thickness of each layer, the 14 same permeability in each layer and such. 15 And what I did as a hydrogeologist and a 16 geochemist, I applied the fundamental equations of 17 formulas of evaluating fate and transport when you 18 don't have data to illustrate that basically you 19 can get answers that are different from what ATSDR 20 has done as far as the travel time that are as 21 valid and even more in this case, because ATSDR 22 made mistakes and errors in what they did at 23 Tawara Terrace on the parameters. 24 I used parameters that were the same as 25 in the Hadnot Point model, and I used to calculate</p>	<p style="text-align: right;">Page 269</p> <p>1 develops around a pumping well which causes the 2 losses to increase in the direction of the well? 3 A. In this calculation here that is 4 basically summarized on this figure, I considered 5 ATSDR water level that they use in their model for 6 both layer one and layer three. And I derived 7 congruent gradient from that. 8 Now, it is true that the closer to you 9 get to the well, you have what is called a cone of 10 depression, and that cone of depression for 11 potentiometric values would be in layer three 12 because that's where the well is pumping, and it 13 will be less marked in layer one. 14 So you have several things that you can 15 say that would slightly accelerate or diminish 16 those travel time, if you wish, but you have other 17 things that would actually make them longer. The 18 thing that would accelerate potentially would be 19 as us you get very close to the well, you 20 accelerate. But before you get it close to the 21 well, you have a long way to go. That's the first 22 thing. 23 The second thing would be you could have 24 dispersion that is not in this calculation. 25 Nobody knows what the dispersion is, but that</p>

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1 would accelerate this as well somewhat. On the
2 other end, on the other end, things that would
3 actually elongate the time of travel are two major
4 things. The first one --
5 Q. Let me withdraw --
6 A. I am not finished.
7 Q. I don't know what question you're
8 answering.
9 A. I am not finished.
10 Q. I don't know what question you're
11 answering. That's not what I asked you. I
12 withdraw the question. I withdraw the question.
13 What makes your three path flows
14 representative of what actually occurred with
15 contamination at well TT-26?
16 A. This is the setup that -- this setup,
17 those layers, the permeability is in each one of
18 those layers. The thickness of those layers is
19 directly from the ATSDR model. I am not trying to
20 critique those. I am just adopting them just to
21 show if you do a calculation in the same framework
22 that the ATSDR model is and you do it without
23 mistakes or errors, you actually can get a
24 representation that is like this.
25 So it gives you representative travel

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1 time within a large range which is meant to show
2 that you don't have a single model that would tell
3 you the truth because you don't know where the
4 truth is when you don't have data.
5 Q. What makes the three pathways you chose
6 representative of what occurred at TT-26?
7 A. Well, similarly to what the ATSDR model
8 represent, you have transport in layer one, and
9 you have transport in layer three. And in order
10 to go to the well, you have to basically end up in
11 layer three because the well is screened in layer
12 three, not in layer one.
13 Now, between the source, which is the
14 ABC Cleaner, all the way to the well, you have
15 basically many ways for the groundwater to get
16 there. You don't go there through one single
17 pathway. So that's why I choose some pathways,
18 one which would go a short period of time in layer
19 one and some of that contamination would go
20 through the less permeable layer down to layer
21 three and continue in layer three.
22 I have another pathway that is closer to
23 the well, and I have another pathway that is in
24 between. Those are basically estimates that give
25 you a range of travel time of this situation.

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1 (Hennet Exhibit 27 was marked.)
2 BY MR. DEAN:
3 Q. I'm going to show you -- this is my
4 copy. I'm only using page 5-16. It's the same
5 page he's looking at.
6 MS. O'LEARY: The report, sure.
7 BY MR. DEAN:
8 Q. You've got it in front of you. I'll
9 hand you a copy in a moment, but there's actually
10 four pathways represented here on your chart;
11 right?
12 A. There are three pathways to the well
13 screen, the well screen where the pumped water
14 goes through.
15 Q. But isn't it true that one of the
16 pathways which you actually show an arrow -- you
17 just stop the arrow -- one of the pathways that
18 you're not considering is the pathway that ATSDR
19 utilized, and that's as I drew on Exhibit 27 where
20 the contaminants go directly in the aquifer all
21 the way to the well; right?
22 A. Again --
23 Q. Is that a possible travel way?
24 MS. O'LEARY: Object to form and
25 foundation.

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1 THE WITNESS: This is a possible
2 pathway. That's an extreme pathway. That will be
3 the fastest of the fastest, and it doesn't go to
4 the screen, as you know. It goes basically to
5 touch the casing of the well which is basically
6 not accepting water.
7 BY MR. DEAN:
8 Q. Do you know who Dr. Konikow is?
9 A. I do know who Dr. Konikow is.
10 Q. And did you read his report on pages 28
11 and 29 where Dr. Konikow calculated the
12 alternative travel time to be only 3-1/2 to 5
13 years, not the 15 to 25 that you did?
14 A. You have to show me that. And I
15 understand he said something like this. However,
16 I think it was for groundwater transport, not at
17 all related.
18 Q. Do you take issue that Dr. Konikow
19 opined in his rebuttal report it was 3-1/2 to 5
20 years he calculated? Can you and I agree that's
21 what he said in his report?
22 A. You have to show me his report.
23 Q. I'm going to represent to you that's
24 what it says. Do you disagree or have any basis
25 to disagree with Dr. Konikow's calculations, and

<p style="text-align: right;">Page 274</p> <p>1 if so, what are the bases of your disagreement?</p> <p>2 MS. O'LEARY: Object to foundation.</p> <p>3 THE WITNESS: What do you represent</p> <p>4 exactly that Dr. Konikow says?</p> <p>5 BY MR. DEAN:</p> <p>6 Q. I'm representing to you that Dr. Konikow</p> <p>7 calculated an alternative travel time and opined</p> <p>8 in this case of 3-1/2 to 5 years, not the 15 to 25</p> <p>9 you calculated.</p> <p>10 A. Well, I would disagree with</p> <p>11 Dr. Konikow's calculation.</p> <p>12 Q. Why?</p> <p>13 A. Because I made my calculation, and I</p> <p>14 agree that my calculations are based on</p> <p>15 site-specific data and they are based the</p> <p>16 principles of hydrogeology that would allow me to</p> <p>17 make this calculation that includes the time of</p> <p>18 travel that it takes for dissolved PCE, which is a</p> <p>19 compound, a chemical compound in groundwater, and</p> <p>20 that dissolved PCE is retarded relative to</p> <p>21 groundwater.</p> <p>22 And I took that into consideration, and</p> <p>23 I focused on the site-specific data. I did not</p> <p>24 make the same errors that the ATSDR did for the</p> <p>25 Tawara Terrace model.</p>	<p style="text-align: right;">Page 276</p> <p>1 ATSDR?</p> <p>2 MS. O'LEARY: Object to form.</p> <p>3 THE WITNESS: My answer to this is ATSDR</p> <p>4 has no information, and, therefore, they assume</p> <p>5 something that is not realistic in the real world.</p> <p>6 BY MR. DEAN:</p> <p>7 Q. Do you have any evidence they are wrong?</p> <p>8 A. My evidence that they are wrong is that</p> <p>9 you don't have wells that would be pumped for 30</p> <p>10 years without being maintained. That doesn't</p> <p>11 exist.</p> <p>12 Q. You don't have any specific data, any</p> <p>13 specific documents or specific testimony about</p> <p>14 specific periods when the wells were shut down;</p> <p>15 right?</p> <p>16 MS. O'LEARY: Objection to form.</p> <p>17 THE WITNESS: I believe there is some</p> <p>18 information. Some capacity test might have been</p> <p>19 redone. I don't remember specifically for well</p> <p>20 TT-26. But it is not a correct assumption in my</p> <p>21 field, in the field of hydrogeology, to assume</p> <p>22 that because you don't know, it was always on.</p> <p>23 That is not reasonable.</p> <p>24 BY MR. DEAN:</p> <p>25 Q. Have you ever evaluated a contamination</p>
<p style="text-align: right;">Page 275</p> <p>1 Q. So page 5-21 of your report, page 5-21,</p> <p>2 second sentence, you say in the second sentence</p> <p>3 "Pumping of well TT-26 was likely not continuous</p> <p>4 as the well had to be shut down for maintenance</p> <p>5 and repair."</p> <p>6 Do you see that?</p> <p>7 A. I see that.</p> <p>8 Q. You're aware that ATSDR took into</p> <p>9 account based on the pumping records when these</p> <p>10 various wells were on and off; right?</p> <p>11 A. ATSDR for well TT-26 took into account</p> <p>12 two stoppage of the well for maintenance that</p> <p>13 happened, if I recall, in the 1980s. They did</p> <p>14 that. But there is no information from before</p> <p>15 that.</p> <p>16 And what ATSDR did in a conservative</p> <p>17 way, if you wish, was to assume it was always on,</p> <p>18 never maintained, never stopped, which is wrong</p> <p>19 because wells that are used for decades, every</p> <p>20 well needs maintenance or repair.</p> <p>21 Q. What evidence do you have, documents,</p> <p>22 interviews of anybody that you've conducted or</p> <p>23 review, what factual basis do you have that</p> <p>24 support a thought, view, your opinion that TT-26</p> <p>25 had additional shutdown time not accounted for by</p>	<p style="text-align: right;">Page 277</p> <p>1 site for human risk?</p> <p>2 A. As a geochemist, I do not do human risk.</p> <p>3 I just do geochemistry.</p> <p>4 Q. For the Hadnot Point spiractor, did you</p> <p>5 measure the fall height under operating conditions</p> <p>6 with backwater?</p> <p>7 MS. O'LEARY: Object to foundation.</p> <p>8 THE WITNESS: With backwater? I do not</p> <p>9 understand what you mean by that.</p> <p>10 BY MR. DEAN:</p> <p>11 Q. When you were there, did you measure the</p> <p>12 fall height under operating conditions on</p> <p>13 February 11 when there was any water left in the</p> <p>14 bottom of the spiractor, tubes, pipes?</p> <p>15 A. So that means the spiractor was working?</p> <p>16 Q. Correct.</p> <p>17 A. I did not do that.</p> <p>18 Q. Ever done that at all?</p> <p>19 A. Could never have done that there.</p> <p>20 Q. Are you aware that 43 percent of Camp</p> <p>21 Lejeune samples tested for FOC had values less</p> <p>22 than .0001?</p> <p>23 MS. O'LEARY: Object to foundation.</p> <p>24 THE WITNESS: Show me the data you are</p> <p>25 talking about because --</p>

<p style="text-align: right;">Page 278</p> <p>1 BY MR. DEAN: 2 Q. I'm just asking. 3 A. .001 of what? 4 Q. Have you ever been stricken as an 5 expert? 6 A. I have never been stricken as an expert. 7 Q. Have you ever had your opinions 8 disregarded by a court in the United States? 9 A. Among all the testimonies I have done in 10 court, which is 12 or 13, there was one time when 11 one of my answer was actually taken away from the 12 record because I addressed a topic that had 13 already been decided before, and that was 14 basically not -- I should not have talked about 15 that. And the judge decided that that should be 16 stricken, my response should be stricken because 17 it had been decided before. And that's what I 18 understand. 19 Q. You've never had your opinion -- do you 20 remember the name of that case? 21 A. I believe that case was Titan, 22 T-I-T-A-N, versus -- I think it's versus the 23 United States. 24 (Hennet Exhibit 28 was marked.) 25</p>	<p style="text-align: right;">Page 280</p> <p>1 on to say, "In contrast, the court concludes the 2 testimony by defense expert Dr. Remy Hennet that 3 other sources of PCBs were present on the SIM site 4 constituted impermissible expert testimony. The 5 court noted the testimony was based on sheer 6 speculation rather than sufficient facts or data 7 and was not the product of reliable principles and 8 methods. Additionally, the court notes the 9 testimony was not supported by personal knowledge 10 or observation as Hennet neither conducted any 11 testing on other items at the SIM site nor 12 observed any labels on other items at the SIM site 13 indicating the presence of PCBs." 14 Did I read that correct? 15 A. You read that correct. 16 Q. Isn't that the same thing you've done in 17 this case? 18 A. Pardon me? 19 Q. You speculated, you've not taken into 20 consideration other well pumping information that 21 I've shown you today. Isn't that true? 22 MS. O'LEARY: Object to foundation. 23 THE WITNESS: I disagree. 24 BY MR. DEAN: 25 Q. That court didn't believe anything --</p>
<p style="text-align: right;">Page 279</p> <p>1 BY MR. DEAN: 2 Q. You don't believe a judge has ever 3 disregarded your testimony because he believed 4 that you had insufficient data to provide the 5 opinions that you had given? 6 A. I do not recollect any case like this 7 based on data. 8 Q. I show you Exhibit 28. Turn to page 75. 9 Are you on page 75? 10 A. Yes. 11 Q. Page 75, look at page footnote 31. "The 12 court disregards the testimony of the defense 13 expert Remy Hennet geochemical fingerprints of the 14 PCBs found at the DICO site and those found at the 15 SIM site did not match. During cross-examination, 16 Hennet admitted he was mistaken concerning the 17 data on which he based that opinion. Because the 18 opinion was based on unreliable methods utilizing 19 insufficient facts of data, it is inadmissible 20 under Federal Rule of Evidence 702." 21 Do you see that? Did I read that 22 correctly? 23 A. You read that correctly. 24 Q. Now, in the middle of the next paragraph 25 after Federal Rule of Evidence 701, the court went</p>	<p style="text-align: right;">Page 281</p> <p>1 didn't believe or struck your opinions for the 2 reasons I just read to you; right? 3 MS. O'LEARY: Object to form. 4 BY MR. DEAN: 5 Q. That was 2017, September 2017. 6 MS. O'LEARY: Object to form. 7 THE WITNESS: Yes, I remember that case. 8 And I think, you know, for that case there was 9 very little information, and it was basically -- 10 that was the case. That's the way it went. And 11 the judge made his decision. 12 (Hennet Exhibit 29 was marked.) 13 BY MR. DEAN: 14 Q. I'll show you what I marked as 15 Exhibit 29 and 30. Exhibit 29, is this the 16 affidavit you referred to earlier regarding Baby 17 Washington? 18 MS. O'LEARY: Object to foundation. 19 BY MR. DEAN: 20 Q. Is this your report you issued 5 years 21 ago, 4-1/2 years ago, December 22, 2020 expert 22 report Remy Hennet, In Re: Baby Washington case? 23 A. It looks like it. I haven't looked at 24 it in a while, but it looks like it's my expert 25 report, not an affidavit.</p>

70 (Pages 278 - 281)

<p style="text-align: right;">Page 282</p> <p>1 Q. And this was in a Camp Lejeune case 2 pending back in 2020 when you issued this report? 3 MS. O'LEARY: Object to foundation and 4 form. 5 THE WITNESS: That was one case, one 6 litigation that basically was -- that is basically 7 some correlation to basically Camp Lejeune. 8 BY MR. DEAN: 9 Q. And in the bottom paragraph on page 1, 10 last full paragraph, you say, "The opinions 11 presented in this report were reached by applying 12 accepted methods in the fields of hydrogeology, 13 geochemistry and environmental sciences. Opinions 14 expressed in the report are my own based on my 15 education, my training, my experience and the 16 documents, the information, the photographs, the 17 diagrams, the data and the facts available to me 18 at the time of the writing. I hold these opinions 19 to a reasonable degree of scientific certainty." 20 Did I read that correctly? 21 A. You read that correctly. 22 Q. And on page 3, next to the bottom 23 paragraph, did you write, "The ATSDR conducted a 24 detailed review of the available data and the 25 information and of the history and contamination</p>	<p style="text-align: right;">Page 284</p> <p>1 and you relied upon those in opining Ms. Bell was 2 not there when there was contamination? 3 A. That's at Holcomb Boulevard, and I agree 4 with the ATSDR that the Holcomb Boulevard was not 5 contaminated with the exception of a very short 6 period of time as discussed in my expert report. 7 Q. You utilized, relied upon that work, 8 ATSDR work and those reports when you signed this 9 affidavit, this report in 2020; right? 10 A. I did rely. 11 Q. Did you have time -- 12 MS. O'LEARY: I'm sorry. That's your 13 third question now. 14 THE WITNESS: Can I answer? 15 BY MR. DEAN: 16 Q. Yeah, if you answer my question. Yes or 17 no. Did you rely -- 18 A. You cannot jump on me and just confuse 19 me. 20 Q. Yes or no. Did you rely upon ATSDR mean 21 monthly concentration data in order to opine that 22 Ms. Bell was not on base at a time period when 23 contamination existed at Holcomb Boulevard? Did 24 you opine that? 25 A. Well, my report speaks for itself.</p>
<p style="text-align: right;">Page 283</p> <p>1 of the base water systems. (See, for example, 2 Faye and Venezuela 2007; Sautner, et al., 2013)." 3 Did I read that correctly? 4 A. You did read that correctly. 5 Q. You didn't just cite to them. You said 6 they conducted a detailed review; right? 7 MS. O'LEARY: Object. 8 THE WITNESS: Yes, I did. 9 BY MR. DEAN: 10 Q. Turn to page 10, opinion number three, 11 you opined that Holcomb Boulevard water supply 12 wells weren't contaminated during the time period 13 when Rhonda Bell resided on base; did you not? 14 A. It speaks for itself. 15 Q. And in the first paragraph, does it 16 read, "The main monthly contaminant concentrations 17 in the Holcomb Boulevard water supply over the 18 period of the relevant" -- 19 MS. O'LEARY: I'm sorry. We're at time. 20 MR. DEAN: Let me finish this sentence. 21 BY MR. DEAN: 22 Q. Did you state, "The mean monthly 23 contaminant concentrations in the Holcomb 24 Boulevard water supply over the period of 25 relevance to the complaint as shown in Exhibit C,"</p>	<p style="text-align: right;">Page 285</p> <p>1 Q. And you did opine on that issue using 2 ATSDR's work; correct? 3 A. I considered the ATSDR work. It is not 4 the same -- 5 MS. O'LEARY: I'm sorry. We're 6 finished. 7 THE WITNESS: It is not the same as what 8 I did for this case. 9 MS. O'LEARY: We've gone over seven 10 hours, and this deposition is finished. 11 BY MR. DEAN: 12 Q. Did you have an opportunity -- 13 MS. O'LEARY: You don't have to answer. 14 BY MR. DEAN: 15 Q. Did you have an opportunity to review 16 and do the same work you've done in this case at 17 that time that you wanted to? Can you answer my 18 question? 19 A. I am advised by counsel that it's out of 20 time. I don't have to answer. 21 Q. And you're not going to answer my 22 question? 23 MS. O'LEARY: I'm instructing you not to 24 answer. 25 THE WITNESS: I did answer your</p>

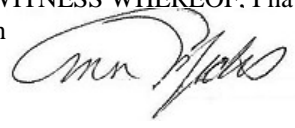
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1 question. My report stands for itself.
2 BY MR. DEAN:
3 Q. No. My question was -- last question I
4 asked you was: Did you have an opportunity to do
5 the same work you did in this case back before you
6 did that report if you wanted to?
7 MS. O'LEARY: I'm instructing you not to
8 answer.
9 MR. DEAN: Can we put on the record that
10 Ms. O'Leary has instructed this witness not to
11 answer my last question. What time is it?
12 MS. O'LEARY: Can we put on the
13 record --
14 MR. DEAN: What's the time?
15 THE VIDEOGRAPHER: 7 hours and 3
16 minutes.
17 MR. DEAN: 7 hours and 3 minutes.
18 Ms. O'Leary has instructed this witness not to
19 answer my final question.
20 Thank you for being here, sir. I wish
21 you'd answer my question, but thank you for the
22 time. That's all I have at this time.
23 THE VIDEOGRAPHER: We are off the record
24 at 1742.
25 (Whereupon, at 5:42 p.m., the taking of

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1 the instant deposition ceased.)
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1 COMMONWEALTH OF PENNSYLVANIA)
2 COUNTY OF ALLEGHENY) SS:
3 C E R T I F I C A T E
4 I, Ann Medis, RPR, CLR, CSR-WA and
5 Notary Public within and for the Commonwealth of
6 Pennsylvania, do hereby certify:
7 That REMY J.-C. HENNET, PH.D, the
8 witness whose deposition is hereinbefore set
9 forth, was duly sworn by me and that such
10 deposition is a true record of the testimony given
11 by such witness.
12 I further certify the inspection,
13 reading and signing of said deposition were not
14 waived by counsel for the respective parties and
15 by the witness.
16 I further certify that I am not related
17 to any of the parties to this action by blood or
18 marriage and that I am in no way interested in the
19 outcome of this matter.
20 IN WITNESS WHEREOF, I have hereunto set
21 my hand th
22 
23
24 Notary Public
25

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1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A
2 COUNTY OF ALLEGHENY) S H E E T
3 I, REMY J.-C. HENNET, PH.D, have read the
4 foregoing pages of my deposition given on
5 March 20, 2025, and wish to make the following, if
6 any, amendments, additions, deletions or
7 corrections:
8 Page Line Change and reason for change:
9
10
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13
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15
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17
18
19 In all other respects, the transcript is true and
20 correct.
21
22 REMY J.-C. HENNET, PH.D
23 _____ day of _____, 2025.
24 Notary Public
25

72 (Pages 286 - 289)

1 GOLKOW, a Veritext Division
 2 One Liberty Place
 3 1650 Market Street, Suite 5150
 4 Philadelphia, Pennsylvania 19103
 5 877.370.3377
 6
 7 March 26, 2025
 8
 9 Allison O'Leary, Esquire
 10 U.S. Department of Justice
 11 1100 L Street NW
 12 Washington, DC 20005
 13 Re: Deposition of REMY J.-C. HENNET, PH.D
 14 Notice of Non-Waiver of Signature
 15
 16 Dear Ms. O'Leary:
 17
 18 Please have the deponent read his deposition
 19 transcript. All corrections are to be noted on
 20 the Errata Sheet.
 21
 22 Upon completion of the above, the Deponent must
 23 affix his signature on the Errata Sheet, and it is
 24 to then be notarized.
 25
 26 Please forward the signed original of the Errata
 27 Sheet to Kevin R. Dean, Esquire for attachment to
 28 the original transcript, which is in his
 29 possession. Send a copy of same to all counsel.
 30 Please return the completed Errata Sheet within 30
 31 days of receipt hereof.
 32
 33 Sincerely,
 34
 35 Ann Medis, RPR, CLR, CSR-WA
 36
 37 cc:
 38
 39 Kevin R. Dean, Esquire

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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